

ACT Nappanee-Wakarusa - PROPOSED FOUNDING BYLAWS

- I. **Name:** The name of this organization shall be “ACT Nappanee-Wakarusa”, hereafter referred to as the Group *(for purposes of this draft document, and until a name is agreed upon by consensus of the initial/core folks who will be eligible for membership, we use “Group”)*

- II. **Mission Statement:** In order to stimulate an active interest in civic and political affairs, to increase the efficiency of political activities, foster and perpetuate progressive ideas and principals such as those embodied in the Democratic Party, we do establish and associate ourselves as “ ACT Nappanee-Wakarusa”

III. The Purpose of the Group shall be to:

- A. Educate and encourage the progressive and Democrat residents of the Nappanee and Wakarusa area (defined as Harrison, Union, Olive and Locke townships in Elkhart County, and Jefferson and Scott Township in Kosciusko County) to join the Group.

- B. Develop progressive and Democratic leadership within the Nappanee and Wakarusa area.

- C. Encourage those who are in agreement with the progressive ideas and principles held by the Democratic Party to vote for Democratic Candidates. It is not necessary for members to have declared themselves overtly as Democrats in order to join the Group.

- D. Participate in and promote Nappanee and Wakarusa area community activities; and

- E. Recruit new members for the Democratic Party and encourage the election of Democrats to public office.

IV. Policy:

A. The Group shall publicly support only those candidates for public office who have been nominated or endorsed by the Kosciusko County Democratic Party, the Elkhart County Democratic Party, or the Indiana Democratic Party.

V. Membership:

A. Membership in the Group shall be available without regard to race, color, creed, national origin, religion, sexual orientation, or gender identity. There are two categories of membership: Regular, and Supporter. REGULAR membership is limited to full-time residents of Harrison, Union, Olive and Locke townships in Elkhart County, and Jefferson and Scott Township in Kosciusko County.

B. All persons who subscribe to the objectives and basic purpose of this Group and have paid annual dues as a REGULAR member are eligible to be voting members of the Group.

C. Anyone under the age of 16 can be added to their parent or legal guardian's REGULAR membership and will be considered non-voting members.

D. The SUPPORTER member membership category includes various individuals who subscribe to the objectives and basic purpose of this organization, but may not live full-time (Full-time is defined as more than 183 days per calendar year) in the geographical area served by the Group, and may also include various other non-ecumenical entities such as labor unions, environmental organizations, educational organizations, civil rights organizations, etc. who share the ideals and principles of the Group. Supporters are added to the Group's rosters subject to approval by the Chairperson and Vice-Chairperson. Supporters will also pay annual dues at the Individual Supporter and Organization Supporter Level, and may make additional financial contributions should they so decide, but will be considered non-voting members.

VI. Dues

- A. Membership dues shall be set by a majority vote of the general membership.
- B. At the time of adoption of these bylaws, annual REGULAR membership dues are set at (\$20?) for individuals and (\$40?) for families; a family is considered as 2 adults and 2 children under the age of 16.
- C. Individual SUPPORTER annual dues are (\$35 ?). Organization SUPPORTER annual Dues are (\$75 ?).
- D. Dues are payable throughout the fiscal year and are not pro-rated. The fiscal year shall be 1 January through 31 December. Dues may be increased by a simple majority vote of the Group. The Executive Committee may create additional membership levels above the REGULAR and SUPPORTER membership levels to increase club income. No membership level shall exclude other members from their right to participate in regular club functions.
- E. Members will be considered to be in good standing for the remainder of the fiscal year in which they pay the annual dues, no matter in which month they pay. Treasurer will maintain records of the month of payment. Treasurer will notify members in December of each year of their need to pay dues during the month of January in the following year, in order to maintain their good standing at the beginning of the next fiscal year.

VII. Ordinary and Special Meetings:

- A. Ordinary meetings of the Group shall be held at a time and place designated by the Group general membership. Meetings may also be virtual.
- B. Special meetings of the Group shall be held upon such occasion and such time and/or place as the Chairperson or Executive committee may specify.
- C. Notice of each ordinary and special meeting shall be given to active Regular members and Supporter members by email, digital media or telephone at least seven business days (7 business days) prior to the meeting.

VIII. Annual Meeting:

- A. There shall be an Annual Meeting of the Regular and Supporter members of the Group during the last half of the month of January each calendar year. Meetings may also be virtual.

- B. The Chairperson of the Group shall fix the time and place of such meeting and the Secretary of the Group shall give at least ten business days (10 business days) notice to each member as to the time and place of the Annual Meetings.

- C. Only Regular members 16 years and older who are residents of the Nappanee Area in good standing and who are current on their dues as of January 10 of the current year shall be permitted to vote at the Annual Meeting for the Election of Officers.

IX. Officers:

- A. The Officers of the Group shall consist of a Chairperson, Vice-Chairperson, Treasurer, and Secretary.

- B. The duties of each officer are as follows:
 - 1. Chairperson – The Chairperson shall have general supervision, direction, and control of the business and affairs of the Group. They shall preside over all meeting of the members and at all special meetings and shall have such other powers and duties as may be necessary to conduct the business of the Group as approved by the general membership. The chairperson shall be an ex-officio member of all Committees of the Group.

 - 2. The Vice-Chairperson – If there is not an acting Chairperson of the Group or in the case of inability of the Chairperson to carry out their duties, the Vice-Chairperson shall perform all the duties of the Chairperson and in so acting shall have all the powers of the Chairperson.

3. Treasurer - The Treasurer shall receive and safely keep all funds of the Group and deposit them in the bank or banks that may be designated by the Executive Committee. They shall collect all dues and assessments levied by the Group and remitted to the Treasurer. They shall also maintain the roll of the membership and actively seek to expand the membership of the Group.
 4. Secretary – The Secretary shall take and record the minutes of all regular meetings, Executive Committee meetings, and safeguard them. They shall be responsible for notifying members of Group meetings, and of correspondence with campaigns, candidates, and other entities as directed by the Chairperson or the Executive Committee for the benefit of the Group and its members.
- C. These Officers shall be elected at the Annual meeting by a majority vote of all Regular members who are current on dues and who are residents of the Nappanee area (Harrison, Union, Olive and Locke townships in Elkhart County, and Jefferson and Scott Township in Kosciusko County) present and entitled to vote. They shall hold office until the next annual meeting or until the qualification and election of their successors.
- D. Officers shall be elected from the REGULAR membership and be full-time residents of the Nappanee area (Harrison, Union, Olive and Locke townships in Elkhart County, and Jefferson and Scott Township in Kosciusko County).
- E. Any Officer may be removed from office for good cause by a two-thirds vote of the Regular membership at a special meeting called for such purpose.
- F. When a vacancy occurs in an elective office, it shall be filled within the first six (6) months by a vote of the membership. If a vacancy occurs after the first six (6) months, the Chairperson shall appoint a person to fill the position for the remainder of the term.
- G. A vacancy is defined as a resignation, or the inability to hold the position due to illness or other personal reasons, three unexcused absences, or death. The fact of a vacancy of an elected office shall be declared by a motion of the membership upon recommendation of the presiding officer.

H. Members must be in good standing as REGULAR members at the time of nomination to be eligible for any elected office.

I. Officers of the Group are volunteers and shall receive no compensation for their service as officers.

J. Officers shall not execute or authorize the execution of any deed, contract or mortgage, or any other instrument affecting the real property or reserve funds of the Group. The authorization shall be by a majority vote of the Regular membership at a special meeting called for such purpose.

K. The Officers shall turn over all records, correspondence, keys, and passwords pertaining to the offices to their successors within seven business days after their terms of office expire. An officer who resigns shall turn over records for that office to the Chairperson within five days of the resignation. When an officer leaves, either due to the expiration of the term or resignation, electronic passwords should be changed as soon as possible.

X. Executive Committee

A. The Executive Committee shall constitute the Governing Board of the Group and shall act as the general managing, supervisory, and administrative body of the Group between meetings.

B. The Executive Committee shall be composed of the Group's officers.

C. The Executive Committee shall not execute or authorize the execution of any deed, contract or mortgage, or any other instrument affecting the real property or reserve funds of the Group.

XI. Funds

A. All monies collected by the Group shall be placed in an Operating Fund and shall be used to finance Group activities as well as special expenditures for the benefit of the membership as a whole.

B. No expenditures of monies, except an amount not to exceed one hundred dollars (\$100.00) per month for the regular meeting expenses, shall be made without prior authorization by a vote of the executive membership.

C. Funds shall be paid out only on bank instruments of the Group signed by either the Treasurer or the Chairperson.

D. The treasurer shall make a report at the Monthly Meeting of receipts, expenditures, and balance on hand of all funds.

E. The treasurer shall make the Group's financial standing available to the Regular membership at all times.

F. The books of the treasurer shall be audited by the Audit Committee prior to the Annual Meeting. The Audit Committee shall consist of three (3) Regular members of the Group appointed by the Chairperson. The Audit Committee shall make its report at the Annual Meeting.

XII. Membership List

A. The Group's membership list shall be held and maintained only by officers of the Group. Distribution of the membership list to any person, candidate, campaign committee, or organization is prohibited unless made by a court order or legal authority.

XIII. Limitations of the Bylaws.

A. The Bylaws, Rules, Regulation, and Requirements approved by the Regular membership shall govern so long as they do not conflict with local, state or federal laws that govern such organizations.

B. These Bylaws may be amended by a two-thirds (2/3) affirmative vote of the Regular members present at any meeting, regular or special.

XIV. Miscellaneous

A. The Group Chairperson may designate or appoint a Sergeant at Arms during or before meetings to aid in maintaining order and a safe meeting environment for all members.

B. Any matter not covered by the Bylaws shall be governed by Robert's Rules of Order, as revised, to the extent applicable.

ADOPTION OF BY-LAWS

On ____ (date) _____, a motion was made to adopt these Bylaws of the (Group name) by ____ (person who made the motion)_____.

The motion was so moved by ____ (person)____ and seconded by ____ (person)_____.

Being duly supported and seconded, the motion was placed upon the table. By a vote of __#__ for and __#__ against, of those present at the meeting who will be qualified as Regular members of the Group, the motion carried and the Bylaws for the (Group name) were adopted.

By consensus agreement of those present at this Founding meeting, the following individuals are serving the Group at its formation as Officers. Formal elections will be held in January 2021 and at that time, elective positions will be open to all REGULAR members who have paid their 2021 dues and are thus in good standing.

2020 Chairperson pro-tem Signature

(Their Printed Name)

2020 Vice Chairperson pro-tem Signature

(Their Printed Name)

2020 Treasurer pro-tem Signature

(Their Printed Name)

2020 Secretary pro-tem Signature

(Their Printed Name)

Duly witnessed by Brian Smith, Chair of the Kosciusko County Democratic Party,
(signed) _____ (date)____, and by

Chad Crabtree, Chair of the Elkhart County Democratic party

(signed) _____ (date)____

FAQs FOR THE ACT NAPPANEE-WAKARUSA POLITICAL GROUP

WHY DUES ARE SUGGESTED FOR THIS ORGANIZATION....

Party Organizations, like the Kosciusko County Democrats and the Elkhart County Democrats, cannot require dues. They rely on donations and fundraisers to cover their budgets.

But those organizations are well-established and have hundreds of members. The ACT Nappanee-Wakarusa organization will have neither of those attributes. At least, not to begin...

Dues will be minimal, but overall it seems a good idea.

There will be expenses. Here are the anticipated expense items:

- Literature/brochures
- Website development
- Post Office box
- Bank Fees (account opening fees, fees for checks)
- Refreshments
- Booth at local events (ie, Apple Festival)
- Signage or banners other than those supplied by local and regional candidates; it is likely that such items for national candidates may have to be purchased.
- Donations to local and regional candidate campaigns, if so voted by membership

FILING REQUIREMENTS

Regardless of the form of organization chosen, if the group overtly supports local candidates (circuit, county, city or town candidates), then this group must file with County Election Board (or in the case of the Nappanee area, that will be both the Elkhart County and the Kosciusko County Election Boards). If the group proposes to influence the election of any candidate for statewide or legislative office, or the outcome of a public question that is on the ballot statewide, then the committee must file with the Indiana Election Division. (Chapter 1 (page 2) of the 2020 Indiana Campaign Finance Manual, which can be found at

<https://www.in.gov/sos/elections/files/2020%20Campaign%20Finance%20Manual.FINAL.COVID19.pdf>)

TYPE OF ORGANIZATION: Auxiliary Party Organization

According to Chapter 7 (page 61) of the Campaign Finance Manual (cited above), it appears that the Nappanee Area group **will be considered at an Auxiliary Party Organization**. Here are the citations:

“This class of political party committee is exempt from the organizational and reporting requirements of the Campaign Finance Act. This category includes many township political clubs, women’s and men’s auxiliaries, college groups, and similar organizations. To qualify, an organization must meet all of the following standards:

Any organization affiliated with a political party and is located within or outside Indiana that:

- 1) Proposes to influence the election of a candidate for state, state legislative, local office, or school board, or the outcome of a public questions; and*
- 2) Has either had an annual budget of less than \$5000 in at least one of the last two years; or*
- 3) Has **NOT** made a contribution of more than \$1000 to another committee or candidate*

*If an organization meets these standards, the organization is **not** required to file campaign finance forms or reports. “*

“the treasurer of an auxiliary party organization that accepts contributions or makes expenditures exceeding \$200 in a yar must keep organization funds in a separate account...”

A FUTURE consideration is whether to establish this group as a PAC. There are additional “reporting requirements” for PACs, and it seems from the Finance Manual above, that our group will not fall into the PAC category until we have budgets for more than two years in a row that exceed \$5000. At that time the by-laws could be changed and appropriate filings/reports go to state and local election officials.

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I hope this is useful information; the Finance Manual is 127 pages long and I looked at every single page plus consulted with the Chair, Vice-Chair and the Treasurer of the Kosciusko County Democratic Party.

The by-laws are based on those of the Fishers Democratic Club, forwarded to me by Aimee Rivera Cole who is running for State Representative in District 37 (<https://coleforindrep.com/>). I added SUPPORTER membership categories (I myself will fall into this category and thus be a non-voting, non-office-holding member). The proposed by-laws for our group as you see them now have been perused (pro-bono) by attorney Travis McConnell of Warsaw and have passed muster.

Sincerely,

~ Barbara Brumbaugh Keck  
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