

**BYLAWS OF THE  
FAIR CAMPAIGN PRACTICES COMMITTEE  
OF BROWARD COUNTY, INC**

**ARTICLE I  
Name and Offices**

The name of this corporation shall be the Fair Campaign Practices Committee of Broward County, Inc. Its principal offices shall be located within Broward County, Florida.

**ARTICLE II  
Purposes of the Committee**

The purpose of this non-partisan Committee is to encourage candidates for public office from Broward County, Florida, or running within Broward County, Florida (including the municipalities thereof) to run honest campaigns, free of falsehoods, and without appealing to racial, ethnic, religious, or other prejudices. This Committee shall also endeavor to ensure that those running non-candidate issues campaigns adhere to these same standards.

**ARTICLE III  
Membership**

Section One – Powers

The property, affairs, and activities of the Committee shall be managed by its membership, which may exercise all such powers of the Committee and do all such lawful acts and things which are not prohibited by laws or by the Articles of Incorporation or by these By-laws.

Section Two – Number of Members

The total number of members of this Committee shall not be less than eleven nor more than twenty-nine.

Section Three – Qualification of Members

All members shall be at least eighteen years of age and registered voters of Broward County, Florida. No member may currently hold, have filed for, or be an announced candidate for, elected office, nor may any members serve as a member of the county or state Executive Committee of any political party, with the exception of those Ex Officio members in Section 4 (C).

## Section Four – Membership

There shall be three classes of membership:

### A. Community Members

The community members shall be those persons nominated by the “recommending organizations”, and subsequently elected by the founding or succeeding Committee members. The persons nominated, who may not be members of the recommending organizations, shall serve in their individual capacity and NOT as representatives of the recommending organizations. The “recommending organizations” are those selected by the founding or succeeding community members of the Committee. The number of community members shall not be less than eleven, nor more than twenty-three.

### B. At-Large Members

The community members shall have the option, but not the obligation, to elect up to six at-large members, who shall be community leaders in the county. The at-large members may be selected to bring perspective to the community members, and may be selected to help balance racial, religious, ethnic, or other membership on the Committee. Additionally, the community members may choose former elected officials as at-large members, to gain a broader perspective on campaign practices. The at-large members shall be elected at the annual meeting of the Committee, and may be re-elected. They shall serve for a term of one year or until their successors are elected.

### C. Ex Officio Members are the Chairs of:

- (1) any political party which has any elected official in a partisan race held wholly or partially within Broward County; and
- (2) any political party which has gained 10% of registered voters in Broward County; shall be ex officio members of the Committee. The political party Chairs shall have the same rights and privileges as all other members, with the exceptions that they shall not vote, shall not count toward a quorum, and shall not be counted toward the minimum or maximum number of members of the Committee.

### Section Five - Election of Community and At Large Members

Community members shall be nominated by the “recommending organizations”, and shall be elected at the Annual Meeting, or at any special meeting called for this purpose, by a majority of the founding or succeeding members of the Committee. They shall serve a one year term, or until their successors are elected.

### Section Six – Removal

- A. Any member of the Committee may be removed from office at any time, with cause, by the affirmative vote of a majority of the members of the Committee present at any meeting expressly called to consider such action. “Cause” is defined as including, but not limited to, a violation of the requirements of Committee membership and participation set forth in these By-laws.
- B. Any at-large member of the Committee who misses four consecutive meetings unless excused by the Chair, will automatically forfeit Committee membership.
- C. Any community member who misses four consecutive meetings unless excused by the Chair, will automatically forfeit membership, and the “recommending organization” may forward a nomination for a replacement.

### Section Seven - Resignations

Any member of the Committee may resign at any time by delivering written or verbal notice of intention to do so to the Chair of the Committee.

### Section Eight – Vacancies

Vacancies in community memberships occurring between annual meetings shall be filled for the unexpired term by the Committee, based upon nomination of the “recommending organization”. Failure to select a replacement within 90 days of the vacancy may forfeit the recommending organization’s right of nomination, at the discretion of the majority vote of the Committee membership. Vacancies in at-large memberships shall be filled by a majority vote of those members present at a meeting called to fill the vacancy.

### Section Nine – Annual Meeting

The annual meeting of the membership shall be held within the first six months of each calendar year at such time and place, within Broward County, Florida, as shall be designated by the Chair of the Committee and specified in the notice of the meeting.

### Section Ten – Special Meetings

Special meetings of the membership may be called at any time by the Chair or by any three members. The notice of each special meeting must state the purpose or purposes of the meeting.

### Section Eleven – Notice of Meetings

Written or verbal notice of the time and place of each meeting of the membership shall be given or caused to be given to each member by the Chair, Vice Chairs or their designees. Except for those meetings discussed in Article V, Section 4, notice shall be given at least seven days prior to any meeting.

### Section Twelve – Quorum and Manner of Acting

Except as may be expressly required by law or by these By-laws, at all meetings of the membership, the presence in person of 40 percent of the voting members shall constitute a quorum for the transaction of business including hearings.

### Section Thirteen – Proxies

Attendance and voting by proxy is not permitted.

## **ARTICLE IV Officers**

### Section One – Principal Officers

The Principal Officers shall be a Chair, First Vice Chair and Second Vice Chair.

## Section Two – Resignations

Any Officer may resign at any time by delivering written notice of intention to do so to the Chair, unless the Chair is the person resigning, in which case the resignation shall be delivered to either of the Vice Chairs. Any such resignation shall take effect upon such delivery or at the time specified therein.

## Section Three – Removal

Any Officer of the Committee may be removed from office at any time by the affirmative vote of a majority of the members present at any meeting of the membership whenever, in the membership's judgment, the best interests of the Committee would be served by such removal.

## Section Four – Vacancies

Any vacancy in any office may be filled for such office by the affirmative vote of a majority of members present at any meeting.

## Section Five – The Chair

The Chair of the Committee shall preside at all meetings of the members at which such Chair is present. The Chair shall serve as the Committee's principal spokesperson and shall oversee the administrative and financial affairs of the Committee. The Chair shall have such other powers and duties as may be prescribed from time to time by the membership.

## Section Six – The Vice Chairs

The First Vice Chair of the Committee shall preside at all meetings of the membership in the absence of the Chair. The Second Vice Chair shall preside in the absence of both Chair and First Vice Chair. The Vice Chairs shall have such other powers and duties as may be prescribed from time to time by the Chair or membership.

## Section Seven – Election

The Committee shall elect a Chair and two Vice Chairs each year. Committee Officers may serve successive terms.

## Section Eight – Report of the Chair

At least annually, and at least monthly when the Committee is active, the Chair shall report to Committee members on the number and nature of complaints received which were not addressed by the Committee as a whole, concerning which probable cause was not found.

## **ARTICLE V Complaints About the Conduct of Political Candidates or Organizations**

### Section One – Types of Complaints

The Committee will consider any complaint which alleges that a political candidate, organization or issue campaign has violated the Broward County Code of Ethical Campaign Practices. However, the Committee recognizes that some violations may be “in the eye of the beholder”, or minor or unintentional violations. The Committee intends to limit its actions to substantive violations of the Code.

### Section Two – Form of the Complaint

- A. The Committee will accept complaints only in the following form:
  - 1. in writing, signed by a registered voter of Broward County, Florida.
  - 2. that contains the complainant’s street address (no P.O. boxes), precinct number and telephone number.
  - 3. no anonymous complaints will be considered.
- B. Complaints concerning the same conduct as complaints previously received will NOT be considered separately, or in repetition of previous Committee consideration.
- C. The Committee will consider complaints that are substantial and fall within the violations contemplated by the Code of Ethical Campaign Practices. The complaint may be filed with the Chair, either Vice Chair, or at the office location of the Committee.  
The Committee automatically will consider a complaint at the verbal or written request of three or more members, or at the request of the Chair.
- D. When the complaint is filed by a Broward voter who is not a member of the Committee, the Officers shall be notified and shall meet in person or by telecommunication device, within three days of receipt

of the complaint, to determine if probable cause has been shown in the complaint (plus any supporting documentation) that a substantial violation of the Code has occurred. All findings of probable cause must be made by a majority vote of the Officers. The complainant shall be notified if the complaint is dismissed. The Committee may also adopt a policy of notifying the person complained about of the dismissal.

### Section Three – Notification of Candidates and Political Organizations

If probable cause is found, or the complaint originates from Committee members, the candidate or organization against whom a complaint has been submitted will be immediately notified of the complaint. The candidate or organization will be asked to provide a written response to the complaint:

- (1) On a complaint received more than 30 days before an election, the response shall be received by the Committee within three business days.
- (2) On a complaint received within 30 days of an election, the response shall be received by the Committee within 48 hours.
- (3) On a complaint received during the last week of an election, a response may be submitted, with the understanding that the timing involved may prevent a response in writing.

### Section Four - Committee Hearings

A. The complaint shall be deemed “received” when probable cause is found or upon receipt of a complaint from three Committee members or the Chair. The Committee shall hold a hearing:

- (1) On a complaint received more than 60 days before an election, the Committee shall meet within ten business days, upon at least five days notice.
- (2) On a complaint received between 60 and 30 days of an election, the Committee shall meet within five business days, upon at least two days notice.
- (3) On a complaint received more than one week and less than 30 days before an election, the Committee shall meet within three business days, upon at least one days notice.
- (4) On a complaint received during the last week of an election, the Committee may meet on four hours notice.

- B. At the time notice of hearing is given to Committee members, notice will also be given to the major electronic and print media serving Broward County. Meetings and hearings involving the full Committee will be open to the public, as are any documents submitted in support or opposition to a complaint upon which a hearing will be held.
- C. The person bringing the complaint shall have the burden of proving by clear and convincing evidence that a violation has occurred.

#### Section Five – Committee Action

- A. After considering a complaint, the Committee may dismiss it, request further information, request that the candidate or organization cease and desist from such actions, publicly criticize, or censure the candidate or organization.
- B. A majority vote of the disinterested members of the Committee present at the hearing is required to authorize cease and desist requests or public statements critical of a candidate or organization that has violated the Broward County Code of Ethical Campaign Practices.
- C. A vote of two-thirds of the disinterested member of the Committee present at the hearing is required to censure a candidate or organization that has violated the Code of Ethical Campaign Practices.
- D. Upon a vote of two-thirds of the disinterested members of the Committee, a formal complaint may be filed with the Florida Election Commission, based upon the complaint and evidence received by the Committee.
- E. If a complaint has been made public through campaign activity or through the media, and the complaint is found to be groundless, the Committee may issue a public statement of such determination, and will issue such statement at the request of any person.

#### Section Six – Conflicts of Interest

A Committee member who has endorsed or contributed to a political candidate may not participate in any deliberations that concern the candidate or the candidate's opponents. A member who has endorsed or contributed to a political organization may participate in deliberations regarding that organization's candidates, but not regarding a complaint

against the organization itself. Those members able to vote pursuant to this section are considered “disinterested members” on any complaint. A member’s failure to disclose such conflicts of interest will be considered cause for removal as provided for in Article III, Section 5 of the Bylaws.

## **ARTICLE VI Indemnification of Members and Officers**

Any current or former member or Officer of the Committee may be indemnified and saved harmless to the fullest extent legally permissible under and pursuant to any procedure specified in the Not-For-Profit Corporation Law of Florida from time to time against all reasonable expenses (including attorney’s fees), judgments, fines and amounts paid in settlement, actually and necessarily incurred by or imposed (and to the extent not covered by such person’s own insurance) in connection with the defense of any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative to which such person is made a party or is threatened to be made a party by reason of such person’s being or having been a member or Officer, except in relation to matters as to which such person shall be adjudged in such action liable for fraud, or willful misconduct in the performance of duty. Such right of indemnification shall not be exclusive of any other rights to which any such member or Officer may be entitled as a matter of law, or which may be lawfully granted to such person, and the indemnification hereby granted by the Committee shall be in addition to and not in limitation of any other privilege or power which the Committee may lawfully exercise with respect to indemnification or reimbursement of members or Officers.

## **ARTICLE VII Amendments**

Subject to the limitations of the Articles of Incorporation, these By-laws may be amended, repealed, or added to, or new By-laws may be adopted by a vote of two-thirds of the membership present at a Committee meeting.

Approved this 10<sup>th</sup> day of August, 2006.