



RESOLUTION OF THE BOARD OF APPEALS OF THE WEST VIRGINIA DEMOCRATIC PARTY

In the grievance of Mary Ann Claytor, Seth Sturm, and Mari Sturm against Mary Thorp, as Co-Chair of the West Virginia Democratic Party's Affirmative Action Committee (AAC); and Selina Vickers, as Secretary and Parliamentarian of the AAC, before the Board of Appeals (BOA) of the West Virginia Democratic Party, the BOA resolves as follows:

WHEREAS, the AAC did not follow the approved procedure to notice nominations and elections for the positions of Secretary and Parliamentarian; and

WHEREAS, the Co-Chairs of the AAC have denied seats on subcommittees to some new members of the AAC, while inviting others to join; and

WHEREAS, the Planning Committee carried out actions that were not approved by the AAC; and

WHEREAS, the Co-Chairs of the AAC entered a contract with Stone Services LLC without prior authorization of the AAC; and

WHEREAS, in an email dated August 29th, 2021, Thorp asserted that the AAC would appoint all subcommittee members via chair appointment violating RONR (12th ed.) 50:13(d) rule regarding authority of the Chair to appoint members to committees; and

WHEREAS, Thorp called a special meeting of the Bylaws Committee to draft Rules of Conduct and to establish disciplinary procedures for members, which goes beyond the scope of the duties of the AAC as outlined in the WVDP bylaws; and

WHEREAS, on August 31st, 2021 the Bylaws Committee held a special session without properly noticing the meeting in accordance with WVDP Bylaws, which meant that many members were unaware of the meeting and were denied the opportunity to witness the votes and motions made by the Committee;

NOW THEREFORE BE IT RESOLVED THAT, based on the record and proceedings before it, the West Virginia Democratic Party's Board of Appeals finds that: (1) the bylaws of the WVDP shall control all levels of Party organization in all counties; (2) the election of the WVDP Affirmative Action Committee's Secretary and Parliamentary was not conducted in compliance with the procedures outlined in the bylaws; and (3) the error was not done in bad faith, but was a mistake that has been recognized and must be corrected by the AAC for all future elections.

BE IT FURTHER RESOLVED THAT, the Board of Appeals reaffirms that: (1) Pursuant to WVDP bylaws, Article II, Section A, "No person shall take part in a meeting or be an officer, delegate or official at any level of the party structure, whether precinct, ward, county, district or state, unless they are a qualified registered member of the Democratic electorate of the political subdivision in which they participate"; (2) the West Virginia Democratic Party's Executive Committee is the highest ranking authority of the Democratic Party in West Virginia and is the governing body of all Party units and committees; (3) the Affirmative Action Committee and constituency Caucus of the WVDP should operate in a similar manner as the West Virginia Democratic Party's County Chairs Association and Country Parties; and (4) the AAC should advocate for and support constituency caucuses, but the AAC does not govern constituency caucuses of the West Virginia Democratic Party, the only governing body of the Democratic Party in West Virginia is the West Virginia State Democratic Executive Committee.

SO RESOLVED AND SO ORDERED, this 29th day of November, 2021.

Belinda Biafore
Barbara Scott
Kenny Perdue
Robert Stultz
Justin Williams
Susan Hubbard