



**DEMOCRATS**  
DEMOCRATIC NATIONAL COMMITTEE

# **DELEGATE SELECTION RULES**

**For the 2012 Democratic National  
Convention**

Issued by the Democratic Party of the United States

***Governor Tim Kaine***  
***Chairman***

As Adopted by the Democratic National Committee, August 20, 2010.



# TABLE OF CONTENTS

## Rule Number

1.	Publication and Submission of State Party Rules .....	1
2.	Participation.....	2
3.	Scheduling of Delegate Selection Meetings.....	4
4.	An Open Party .....	4
5.	Non-Discrimination .....	5
6.	Affirmative Action .....	6
7.	Inclusion Programs.....	7
8.	National Convention Delegate Apportionment .....	8
9.	Unpledged and Pledged Party Leaders and Elected Official Delegates .....	8
10.	Selection of At-Large Delegates.....	10
11.	Timing of the Delegate Selection Process .....	10
12.	Presidential Preference.....	10
13.	Fair Reflection of Presidential Preferences.....	12
14.	Petition Requirements and Filing Deadlines .....	13
15.	Quorum Requirements .....	14
16.	Proxy Voting.....	14
17.	Unit Rule and Slate-Making.....	15
18.	Alternates and Vacancies .....	15
19.	DNC Rules and Bylaws Committee.....	16
20.	Challenges .....	16
21.	State Legislative Changes .....	20



# DELEGATE SELECTION RULES

## For the 2012 Democratic National Convention

As Adopted by the Democratic National Committee, August 20, 2010.

### 1. Publication and Submission of State Party Rules

A. State parties shall adopt Affirmative Action and Delegate Selection Plans which contain explicit rules and procedures governing all aspects of the delegate selection process. These rules shall include, but are not limited to:

1. Procedures for electing and certifying delegates and alternates at all levels;
2. Timing of primary/caucuses/conventions;
3. Procedures providing for equal division in each state's convention delegation;
4. Procedures providing for the selection of the chair of the delegation;
5. Particulars concerning the scheduling of delegate selection meetings including methods by which each meeting or event will be publicized;
6. Affirmative Action Plans and Inclusion Programs in detail including affirmative action and inclusion obligations of presidential candidates;
7. All petition requirements and filing deadlines for delegate and alternate candidates and for presidential candidates;
8. Procedures for ascertaining delegate/alternate preference at all stages;

9. Procedures for presidential candidate right of approval;
10. Method of awarding delegates and alternates to presidential candidates;
11. Methods and timetable for the selection of permanent standing committee members;
12. Procedures for challenges of the delegate selection, and affirmative action and inclusion processes;
13. Methods and timetable for the selection of convention pages; and
14. Other appropriate provisions from these Rules, the Call and the Regulations.

B. The following items are to be routinely included at an appropriate place in each state plan:

1. Eligibility requirements for participation in the delegate selection process in conformance with Rule 2 [Rule 2];
2. Prohibition of cost and fees [Rule 2.D.];
3. Prohibition of participation by those participating in another party's process [Rule 2.E.];
4. One-meeting limitation for first-stage participants [Rule 3.E.];
5. "Six basic elements" of an open party [Rule 4];
6. Non-discrimination principles [Rule 5];

## 2012 Delegate Selection Rules for the Democratic National Convention

---

7. Requirement that all steps take place within calendar year of convention [Rule 11.];
  8. Required identification of preference of candidates for delegate and alternate [Rule 12.A.];
  9. Protection against coerced vote [Rule 12.I];
  10. Quorum requirements [Rule 15];
  11. Proxy voting rules, if any [Rule 16];
  12. Unit rule prohibition [Rule 17.A.];
  13. Slate making limitations [Rule 17.B.]; and
  14. Succession of alternates to delegate status and filling of vacancies in delegate positions [Rule 18].
- C. Each state party shall provide for a thirty (30) day<sup>1</sup> period of public comment to solicit opinion on the state's Affirmative Action Plan, Inclusion Program and Delegate Selection Plan prior to adoption. All written public comments submitted to the state Democratic Committee shall be submitted along with the plans to the Rules and Bylaws Committee of the Democratic National Committee ("DNC Rules and Bylaws Committee").
- D. State Delegate Selection Plans, Affirmative Action Plans and Inclusion Programs shall be submitted to the DNC Rules and Bylaws Committee for approval on or before May 2, 2011.
- E. The DNC Rules and Bylaws Committee shall act on the proposed plans as soon as practicable, but in no case later than September 16, 2011, or four months before the respective state's first determining step, whichever is earlier. Its decision shall be final and binding.
- F. Implementation of state Affirmative Action Plans and Inclusion Programs shall begin no later than September 16, 2011, or four months before the respective state's first determining step, whichever is earlier.
- G. State Delegate Selection Plans shall specify the methods and timetable to be followed in selecting members of standing committees of the national convention. These procedures shall be in conformity with the rules to be contained in the Call for the 2012 Convention.
- H. The Democratic National Committee ("DNC") and the state parties shall publish and make available at no cost their rules, the 2012 National Delegate Selection Rules, and a clear and concise explanation of how Democratic voters can participate in the delegate selection process. The DNC shall prepare and provide at no cost to state parties a clear and concise explanation of the 2012 Delegate Selection Rules. This shall be done no later than October 1 of the calendar year immediately preceding the calendar year of the national convention.

## 2. Participation

- A. Participation in the delegate selection process shall be open to all voters who wish to participate as Democrats.
1. Democratic voters shall be those persons who publicly declare their Party preference and have that preference publicly recorded.
  2. Implementation of this administrative matter shall be delegated to the DNC Rules and Bylaws Committee.
- B. Nothing in these rules shall be interpreted to encourage or permit states with party registration and enrollment, or states that limit participation to Democrats only, to

---

<sup>1</sup> Unless otherwise explicitly specified, reference in these Rules to "day" or "days" means "calendar days." If the last day of a period falls on a Saturday, Sunday or a federally recognized holiday, the time shall be extended to the next business day.

## 2012 Delegate Selection Rules for the Democratic National Convention

---

amend their systems to open participation to members of other parties.

- C. State parties shall take all feasible steps to encourage non-affiliated and new voters to register or enroll, to provide simple procedures through which they may do so and to eliminate excessively long waiting periods for voters wishing to register or to change their party enrollment status. In all caucuses or conventions conducted pursuant to these rules, all Democrats who comply with Rule 2.A, 2.A.(1), and 2.A.(2) shall be allowed to participate.
- D. At no stage of the delegate selection process shall any person be required, directly or indirectly, to pay a cost or fee as a condition for participating in the delegate selection process. Voluntary contributions to the Party may be made, but under no circumstances shall a contribution be mandatory for participation.
- E. No person shall participate or vote in the nominating process for a Democratic presidential candidate who also participates in the nominating processes of any other party for the corresponding elections.
- F. In accordance with Article Nine, Section 12 of the Charter of the Democratic Party of the United States, votes shall not be taken by secret ballot at any stage of the delegate selection process, including processes leading up to the selection of DNC Members or State Chairs and Vice Chairs, who serve as DNC members by virtue of their office, except that use of such voting by secret ballot may be used in a state run or state party run primary which constitutes the first determining stage of the delegate election process and in which all individual voters are eligible to participate in accordance with the provisions of this Rule 2.
- G. The casting of ballots over the Internet may be used as a method of voting in a vote only for presidential preference in a state party-run primary constituting the first

determining stage in the presidential nominating process, and only if such casting of ballots over the Internet:

1. Is used in a system in which voters may cast their ballots in person on the day of such primary and by mail, and in which casting of ballots over the Internet is an alternate means of voting;
  2. Is accompanied by a comprehensive, proactive education and outreach program on the use of Internet voting that is set forth in the state's delegate selection plan and approved by the DNC Rules and Bylaws Committee;
  3. Is conducted in accordance with a plan approved by the DNC Rules and Bylaws Committee that is included in the state's delegate selection plan, and that provides adequate measures to achieve security, reliability, access to eligible voters and transparency, including contractual and other safeguards to secure exclusive ownership and control by the state party of voting data;
  4. Is accomplished through a system which provides the voter with an opportunity to verify the voter's ballot and correct any error before the voter's vote is cast; which can be permanently maintained by the voter at the voter's option in paper, electronic or other form; and which produces a paper record of the voter's vote that is preserved and maintained by the state party in the event of a manual audit, until the expiration of the time for filing an implementation challenge under these Rules.
- H. In states using government-run voting systems in the delegate selection process, State Delegate Selection Plans shall include provable positive steps (as defined in Rule 21) taken or to be taken by the state party to:

---

## 2012 Delegate Selection Rules for the Democratic National Convention

---

1. Promote the acquisition of accessible precinct based optical scan systems wherever possible;
  2. Seek enactment of legislation, rules and policies at the state and local level to ensure that direct recording electronic systems include a voter verified paper record;
  3. Seek enactment of legislation, rules and policies at the state and local level to ensure that both optical scan and direct recording electronic systems include recognized security measures such as:
    - a. Automatic routine manual audits comparing paper records to electronic records following every election and prior to certification of results where possible;
    - b. Parallel testing on Election Day;
    - c. Physical and electronic security for equipment;
    - d. Banning use of wireless components and connections;
    - e. Public disclosure of software design;
    - f. Use of transparent and random selection for all auditing procedures;
    - g. Effective procedures for addressing evidence of fraud or error.
- B. All such meetings or events which are the first meeting or event in the delegate selection process shall be scheduled at times and dates which are uniform throughout the state, except where it is established by the state party and approved by the DNC Rules and Bylaws Committee that such uniform times and dates would significantly reduce participation in the delegate selection process.
  - C. The times, dates, places, and rules for the conduct of all caucuses, conventions, meetings and other events involved in the delegate selection process shall be effectively publicized by the Party organization, official, candidate or member calling the same.
  - D. Concise statements in advance of all meetings and events concerning the relationship between the business to be conducted and the delegate selection process shall be effectively publicized by the Party organization, official, candidate or member calling the same.
  - E. No person shall participate in more than one meeting which is the first meeting in the delegate selection process.

### 3. Scheduling of Delegate Selection Meetings

- A. All official Party meetings and events related to the national convention delegate selection process, including caucuses, conventions, committee meetings, filing dates, and Party enrollment periods, shall be scheduled for dates, times and public places which would be most likely to encourage the participation of all Democrats, and must begin and end at reasonable hours.
4. **An Open Party**
    - A. The Democratic National Committee reaffirms its commitment to the 1964 resolution, and requires the national and state parties to incorporate the Six Basic Elements, as updated, into their Party rules and to take appropriate steps to secure their implementation.
    - B. The 1964 Democratic National Convention adopted a resolution which conditioned the seating of delegates at future conventions on the assurances that discrimination in any state party affairs on the ground of race, color, creed or national origin did not occur. The 1968 Convention adopted the 1964 Convention resolution for inclusion in the Call for the 1972 Convention. In 1966, the Special Equal Rights Committee, which had



---

## 2012 Delegate Selection Rules for the Democratic National Convention

---

been created in 1964, adopted six anti-discrimination standards – designated as the Six Basic Elements, which, as updated, are as follows:

1. All public meetings at all levels of the Democratic Party in each state should be open to all members of the Democratic Party regardless of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, economic status or physical disability (hereinafter collectively referred to as “status”).
2. No test for membership in, nor any oaths of loyalty to, the Democratic Party in any state should be required or used which has the effect of requiring prospective or current members of the Democratic Party to acquiesce in, condone or support discrimination based on “status.”
3. The time and place for all public meetings of the Democratic Party on all levels should be publicized fully and in such manner as to assure timely notice to all interested persons. Such meetings must be held in places accessible to all Party members and large enough to accommodate all interested persons.
4. The Democratic Party, on all levels, should support the broadest possible registration without discrimination based on “status.”
5. The Democratic Party in each state should publicize fully and in such a manner as to assure notice to all interested parties a full description of the legal and practical procedures for selection of Democratic Party officers and representatives on all levels. Publication of these procedures should be done in such fashion that all prospective and current members of each state Democratic Party will be fully and adequately informed of the pertinent procedures in time to participate in each selection procedure

at all levels of the Democratic Party organization.

6. The Democratic Party in each state should publicize fully and in such a manner as to assure notice to all interested parties a complete description of the legal and practical qualifications of all positions as officers and representatives of the state Democratic Party. Such publication should be done in timely fashion so that all prospective candidates or applicants for any elected or appointed position within each state Democratic Party will have full and adequate opportunity to compete for office.

- C. These provisions demonstrate the intention of the Democratic Party to ensure a full opportunity for all “status” (as defined in Rule 4.B.(1)) members to participate in the delegate selection process.

### **5. Non-Discrimination**

- A. In order that the Democratic Party at all levels be an open Party which includes rather than excludes people from participation, a program of effective affirmative action and inclusion is hereby adopted.
- B. Discrimination on the basis of “status” in the conduct of Democratic Party affairs is prohibited.
- C. In order to continue the Democratic Party’s ongoing efforts to include groups historically under-represented in the Democratic Party’s affairs, by virtue of race, ethnicity, age, sexual orientation or disability, each state party shall develop and submit Party outreach programs, including recruitment, education and training, in order to achieve full participation by such groups and diversity in the delegate selection process and at all levels of Party affairs.

### 6. Affirmative Action

- A. The promises of a democratically elected government and the right to vote have not always been extended equally to all Americans. Historically, certain groups of Americans have been explicitly denied the right to vote or have been subjected to discriminatory and exclusionary practices with the intended effect of denying them voting rights. In recognition of this past history of discriminatory denial of the franchise and in order to encourage full participation by all Democrats in the delegate selection process and in all Party affairs, the national and state Democratic Parties shall adopt and implement affirmative action programs with specific goals and timetables for African Americans, Hispanics, Native Americans, Asian Americans and Pacific Islanders and women.
1. The goal of such affirmative action shall be to achieve participation in the delegate selection process and in Party organizations at all levels by the aforementioned groups as indicated by their presence in the Democratic electorate.
  2. This goal shall not be accomplished either directly or indirectly by the Party's imposition of mandatory quotas at any level of the delegate selection process or in any other Party affairs.
  3. In the selection of each state's at-large delegation, priority of consideration shall be given to African Americans, Hispanics, Native Americans, Asian Americans and Pacific Islanders and women, if such priority of consideration is needed to fulfill the affirmative action goals outlined in the state's Delegate Selection Plan. Such remedial action is necessary in order to overcome the effects of past discrimination. Use of the at-large delegation to fulfill the plan's affirmative action goals does not obviate the need for the state party to conduct outreach activities such as recruitment, education and training. Priority of consideration shall also be given to other groups as described in Rule 5.(C), which are under-represented in Democratic Party affairs, in order to assist in the achievement of full participation by these groups.
- B. Performance under an approved Affirmative Action Plan and composition of the convention delegation shall be considered relevant evidence in the challenge to any state delegation. If a state party has adopted and implemented an approved affirmative action program, the state party shall not be subject to challenge based solely on delegation composition or primary results.
- C. State Delegate Selection Plans shall provide for equal division between delegate men and delegate women and alternate men and alternate women within the state's entire convention delegation. For purposes of this rule, the entire delegation includes all pledged delegates and alternates and unpledged delegates (including unpledged party leaders and elected official delegates).
1. State Delegate Selection Plans shall, as far as mathematically practicable, also provide for equal division between district-level delegate men and delegate women and district-level alternate men and alternate women.
  2. The DNC Rules and Bylaws Committee shall have continuing jurisdiction to ensure compliance with this equal division requirement. No at-large delegate or alternate from a state shall be placed on the temporary roll of the 2012 Democratic National Convention unless the Rules and Bylaws Committee has certified to the Secretary of the Democratic National Committee that such state's delegation complies with this equal division rule. It shall be the duty of the DNC Rules and Bylaws Committee to determine such

## 2012 Delegate Selection Rules for the Democratic National Convention

---

compliance as soon as practicable following the certification of the state's at-large delegates and alternates.

3. Notwithstanding sub-paragraph A.(2) above, equal division at any level of delegate or committee positions between delegate men and delegate women or committeemen and committeewomen shall not constitute a violation of any provision thereof.
- D. For purposes of providing adequate notice of the delegate selection process under Rule 3, the times, dates, places and rules for the conduct of all caucuses, conventions, meetings and other events involved in the delegate selection process shall be effectively publicized, multilingually where necessary, to encourage the participation of minority groups.
- E. State Democratic Parties shall ensure that district lines used in the delegate selection process are not gerrymandered to discriminate against African Americans, Hispanics, Native Americans, Asian Americans and Pacific Islanders or women.
- F. Each state Affirmative Action Plan shall provide for the appointment of a representative state Affirmative Action Committee by March 1, 2011. Before the state party submits its Plan to the DNC Rules and Bylaws Committee, the Affirmative Action Committee shall review the proposed outreach program required in Rule 5.C.
- G. Each state affirmative action program shall include outreach provisions to encourage the participation and representation of persons of low and moderate income, and a specific plan to help defray expenses of those delegates otherwise unable to participate in the national convention.
- H. State parties in their Delegate Selection Plans shall impose reasonable specific affirmative action and inclusion obligations upon presidential candidates consistent

with the delegate selection system employed by the state.

1. State parties shall require presidential candidates to submit statements that specify what steps such candidates will take to encourage full participation in their delegate selection process, including, but not limited to, procedures by which persons may file as candidates for delegate or alternate. Provided further that presidential candidates submit such full participation statements to the DNC Rules and Bylaws Committee at the same time they are submitted to state parties.
2. State parties shall require presidential candidates to submit demographic information with respect to candidates for delegate and alternate pledged to them.
- I. Each state party shall certify to the Rules and Bylaws Committee whether each presidential candidate (including uncommitted status) has used best efforts to ensure that their respective delegations at each level within a state's delegation shall fulfill the requirements of Rule 6 and Rule 7 established by the state's Delegate Selection Plan and that the respective delegations of each presidential candidate within the state's delegation shall be equally divided between men and women.

## 7. Inclusion Programs

The Democratic National Committee recognizes that other groups of Americans in addition to those described in Rule 6 may be under-represented in Party affairs. These groups include members of the LGBT community, people with disabilities, and youth. The National and State Parties shall adopt and implement Inclusion Programs in order to achieve the full participation of members of these and other groups in the delegate selection process and in all party affairs, as indicated by their presence in the Democratic electorate. As is already the practice in some states, State

---

## 2012 Delegate Selection Rules for the Democratic National Convention

---

Parties may use goals to achieve these ends; however, in no event may such participation be accomplished by the use of quotas.

### 8. National Convention Delegate Apportionment

- A. Apportionment of district-level delegates within states shall be based on one of the following:
1. A formula giving equal weight to total population and to the average of the vote for the Democratic candidates in the two most recent presidential elections;
  2. A formula giving equal weight to the vote for the Democratic candidates in the most recent presidential and gubernatorial elections;
  3. A formula giving equal weight to the average of the vote for the Democratic candidates in the two most recent presidential elections and to Democratic Party registration or enrollment as of January 1, 2012; or
  4. A formula giving one-third (1/3) weight to each of the formulas in items (1), (2), and (3).
- B. Apportionment for each body selecting delegates to state, district, and county conventions shall be based upon population and/or some measure of Democratic strength.
- C. The Call for the 2012 Convention shall state the base delegation for each delegation. Seventy-five percent (75%) of each state's base delegation shall be elected at the congressional district level or smaller. Twenty-five percent (25%) of each state's base delegation shall be elected at large. Delegates so elected shall hereafter be termed "district-level" and "at-large" delegates, respectively. Each State Democratic Chair shall certify all delegates in writing to the Secretary of the DNC.

- D. In those states with more than one congressional district, after the election of district-level delegates and prior to the selection of at-large delegates, each State Democratic Chair shall certify pledged party leader and elected official delegates equal to 15% of the state's base delegation selected pursuant to Rule 9.
- E. The election of district-level and at-large delegates and alternates may take place at the same meeting, provided that district-level delegates are selected first. In states with one congressional district the election of delegates selected in accordance with Rules 8.B., 8.C., and 9.A., may be conducted simultaneously. In all cases, affirmative action, inclusion and fair reflection guidelines must be met and the Democratic Chair of each such state shall make the certifications required by subsection 8.D.

### 9. Unpledged and Pledged Party Leaders and Elected Official Delegates

- A. The procedure to be used for certifying unpledged party leader and elected official delegates is as follows:

Not later than March 1, 2012, the Secretary of the Democratic National Committee shall officially confirm to each State Democratic Chair the names of the following unpledged delegates who legally reside in their respective state and who shall be recognized as part of their state's delegation unless any such member has publicly expressed support for the election of, or has endorsed, a presidential candidate of another political party:

1. The individuals recognized as members of the DNC (as set forth in Article Three, Sections 2 and 3 of the Charter of the Democratic Party of the United States); and,
2. The Democratic President and the Democratic Vice President of the United States, if applicable; and,

---

## 2012 Delegate Selection Rules for the Democratic National Convention

---

3. All Democratic members of the United States House of Representatives and all Democratic members of the United States Senate; and
  4. The Democratic Governor, if applicable; and,
  5. All former Democratic Presidents, all former Democratic Vice Presidents, all former Democratic Leaders of the U.S. Senate, all former Democratic Speakers of the U.S. House of Representatives and Democratic Minority Leaders, as applicable, and all former Chairs of the Democratic National Committee.
- B. Following the selection of district-level delegates under 8.E., pledged party leader and elected official delegates are to be selected subject to the following procedures:
1. Persons shall be considered for pledged party leader and elected official delegates and alternates according to the following priority: big city mayors and state-wide elected officials to be given equal consideration; state legislative leaders, state legislators, and other state, county and local elected officials and party leaders.
  2. These slots shall be allocated on the same basis as the state's at-large delegates.
  3. If persons eligible for pledged party leader and elected official delegate positions have not made known their presidential preference under the procedures established by the state pursuant to Rule 12 for candidates for district-level and at-large delegate positions, their preferences shall be ascertained through alternative procedures established by the state party, which shall require a signed pledge of support for a presidential candidate. Such an alternative system shall have a final deadline for submitting a pledge of support after the selection of all district-level delegates has been completed and must provide an opportunity for disapproval by the presidential candidate or the candidate's authorized representative.
- C. A state's party leader and elected official delegates may be chosen by a state convention or by a committee consisting of a quorum of district-level delegates. They may also be chosen by the State Party Committee, as recognized by the Democratic National Committee, but only if the state's Delegate Selection Plan is in full compliance with these rules, and provided:
1. Membership on the State Party Committee is apportioned on the basis of population and/or some measure of Democratic strength;
  2. Members of the State Party Committee have been elected through open processes in conformity with the basic procedural guarantees utilized for delegate selection;
  3. Such delegates are elected at a public meeting subsequent to the election of district-level delegates;
  4. Members of the State Party Committee exercising such authority shall have been elected no earlier than the date of the previous presidential election; and
  5. Membership of the State Party Committee complies with the equal division requirements of Article 9, Section 16 of the Charter of the Democratic Party of the United States.
- D. Except as provided in 9.A. above, no person shall serve as an automatic delegate at any level of the delegate selection process by virtue of holding a public or party office.

## **10. Selection of At-Large Delegates**

- A. The selection of at-large delegates shall be used, if necessary, to achieve the equal division of positions between men and women and the representation goals established in the state party's Affirmative Action Plan and Inclusion Program. Such goals apply to the state's entire delegation considered as a whole. For purposes of this rule, the entire delegation includes all unpledged as well as all pledged delegates. Delegates and alternates shall each, as a group, be equally divided and, to the extent possible, each as a group shall reflect the representation goals established in the state's Affirmative Action Plan and Inclusion Program.
- B. A state's at-large delegates and alternates shall be selected by one of the bodies, subject to the same conditions specified in Rule 9.C. above, provided, however, the State Party Committee may choose such delegates and alternates only if the state's Delegate Selection Plan is in full compliance with these rules.
- C. At-large delegates and alternates (including pledged party leader and elected official delegates, which shall include those to be allocated to uncommitted status) in primary states shall be allocated according to the state-wide primary vote or, in states holding no state-wide primary, according to the division of preferences among convention and caucus participants. In non-primary states which do not hold state conventions authorized to elect delegates, at-large delegates shall be apportioned according to the division of preferences among district-level delegates at the time of district-level selection. If a presidential candidate entitled to an allocation under this rule is no longer a candidate at the time at-large delegates are selected, his/her allocation shall be proportionately divided among the other preferences entitled to an allocation.

## **11. Timing of the Delegate Selection Process**

- A. No meetings, caucuses, conventions or primaries which constitute the first determining stage in the presidential nomination process (the date of the primary in primary states, and the date of the first tier caucus in caucus states) may be held prior to the first Tuesday in March or after the second Tuesday in June in the calendar year of the national convention. Provided, however, that the Iowa precinct caucuses may be held no earlier than 29 days before the first Tuesday in March; that the New Hampshire primary may be held no earlier than 21 days before the first Tuesday in March; that the Nevada first-tier caucuses may be held no earlier than 17 days before the first Tuesday in March; and that the South Carolina primary may be held no earlier than 7 days before the first Tuesday in March. In no instance may a state which scheduled delegate selection procedures on or between the first Tuesday in March and the second Tuesday in June 1984 move out of compliance with the provisions of this rule.
- B. All steps in the delegate selection process, including the filing of presidential candidates, must take place within the calendar year of the Democratic National Convention (except as otherwise provided in these rules or specifically allowed by the DNC Rules and Bylaws Committee).

## **12. Presidential Preference**

- A. All candidates for delegate and alternate in caucuses, conventions, committees and on primary ballots shall be identified as to presidential preference or uncommitted status at all levels of a process which determines presidential preference.
- B. All persons wishing to be elected to a district-level or at-large delegate position must file a statement of candidacy designating the presidential or

## 2012 Delegate Selection Rules for the Democratic National Convention

---

uncommitted preference of the delegate candidate and a signed pledge of support for the presidential candidate (including uncommitted status) the person favors, if any, with the state party by a date certain as specified in the state's Delegate Selection Plan. Persons wishing to be elected as pledged party leader and elected official delegates shall comply with Rule 9.C.(3).

- C. All candidates considered for district-level alternate positions must meet the same requirements as candidates for district-level delegate positions, except that the state may allow candidates who were not chosen at the delegate level to be considered at the alternate level.
- D. Prior to the selection of national convention delegates and alternates, the state party shall convey to the presidential candidate, or that candidate's authorized representative(s), a list of all persons who have filed for delegate or alternate positions pledged to that presidential candidate. All such delegate and alternate candidates shall be considered bona fide supporters of the presidential candidate whom they have pledged to support, unless the presidential candidate, or that candidate's authorized representative(s), signifies otherwise in writing to the state party by a date certain as specified in the state's Delegate Selection Plan.
1. Presidential candidates shall certify in writing to the Democratic State Chair the name(s) of their authorized representative(s) by a date certain.
  2. In states where delegates are voted upon on the ballot, the date by which the presidential candidate, or that candidate's authorized representative(s), signifies approval or disapproval of the list of delegate and alternate candidates in writing to the state party as required by Rule 12.D., must allow sufficient time to ensure that names removed from the list do not appear on the ballot.

E. National convention delegate and alternate candidates removed from the list of bona fide supporters by a presidential candidate, or that candidate's authorized representative(s), may not be elected as a delegate or alternate at that level pledged to that presidential candidate (including uncommitted status).

1. Presidential candidates may not remove any candidate for a district-level delegate or alternate position from the list of bona fide supporters unless, at a minimum, three (3) names remain for every such position to which the presidential candidate is entitled. Provided, however, that in states where individual district-level delegates and alternates are voted upon on the ballot, the presidential candidate, or that candidate's authorized representative(s), may approve a number of delegate candidates or alternate candidates equal to or greater than the number of delegates or alternates allocated to the district.
2. Presidential candidates (including uncommitted status), in consultation with the state party, may remove any candidate for at-large and pledged party leader and elected official delegate or alternate position from the list of bona fide supporters as long as, at a minimum, one (1) name remains for every national convention delegate or alternate position to which the presidential candidate is entitled, except that a state may provide in its delegate selection plan, if the plan is approved by the Rules and Bylaws Committee, that presidential candidates (including uncommitted status), may remove any candidate for an at-large and party leader and elected official delegate or alternate position from the list of bona fide supporters as long as, at a minimum, two (2) names remain for every position to which the presidential candidate is entitled.

---

## 2012 Delegate Selection Rules for the Democratic National Convention

---

- F. State parties shall ensure that state Delegate Selection Plans provide fair and adequate time for persons to file for delegate or alternate positions, and for presidential candidates, or their authorized representative(s), to review the list of persons who have filed, and to remove from that list persons not confirmed by the presidential candidate or his/her representative(s) as bona fide supporters of the presidential candidate.
- G. Except in states where individual delegates and alternates are selected on the ballot, district-level national convention delegates and alternates pledged to a presidential candidate (including uncommitted status) shall be selected or nominated by a caucus of persons from the unit electing the delegates and alternates who sign statements of support for that presidential candidate. Uncommitted delegates and alternates shall be elected by the uncommitted caucus from the appropriate unit.
- H. A district-level delegate and alternate candidate may run for election only within the district in which he or she is registered to vote. For purposes of these rules, all delegates and alternates at any level of the delegate selection process must be bona fide Democrats who have the interests, welfare and success of the Democratic Party of the United States at heart, who subscribe to the substance, intent and principles of the Charter and the Bylaws of the Democratic Party of the United States, and who will participate in the Convention in good faith.
- I. No delegate at any level of the delegate selection process shall be mandated by law or Party rule to vote contrary to that person's presidential choice as expressed at the time the delegate is elected.
- J. Delegates elected to the national convention pledged to a presidential candidate shall in all good conscience reflect the sentiments of those who elected them.

- K. 1. Based on the right of the Democratic Party to freely assemble and to determine the criteria for its candidates, it is determined that all candidates for the Democratic nomination for President or Vice President shall:
  - a. be registered to vote, and shall have been registered to vote in the last election for the office of President and Vice President; and
  - b. have demonstrated a commitment to the goals and objectives of the Democratic Party as determined by the National Chair and will participate in the Convention in good faith.
- 2. It is further determined that these requirements are in addition to the requirements set forth by the United States Constitution and any law of the United States.

### **13. Fair Reflection of Presidential Preferences**

- A. Delegates shall be allocated in a fashion that fairly reflects the expressed presidential preference or uncommitted status of the primary voters or, if there is no binding primary, the convention and/or caucus participants.
- B. States shall allocate district-level delegates and alternates in proportion to the percentage of the primary or caucus vote won in that district by each preference, except that preferences falling below a fifteen percent (15%) threshold shall not be awarded any delegates. Subject to section F. of this rule, no state shall have a threshold above or below fifteen percent (15%). States which use a caucus/convention system, shall specify in their Delegate Selection Plans the caucus level at which such percentages shall be determined.



## 2012 Delegate Selection Rules for the Democratic National Convention

---

- C. A presidential candidate or his/her authorized representative(s) should act in good faith to slate delegate and alternate candidates, however, in any event, if a presidential candidate (including uncommitted status) has qualified to receive delegates and alternates but has failed to slate a sufficient number of delegate and alternate candidates, then additional delegates and alternates for that preference will be selected in a special post-primary procedure. The State Party will administer special post-primary procedures according to rules approved by the DNC Rules and Bylaws Committee and such procedures should be set forth in the state's delegate selection plan, where applicable.
- D. District-level delegates and alternates shall be allocated according to the following procedures:
- Step 1: Tabulate the percentage of the vote that each presidential preference (including uncommitted status) receives in the congressional district to three decimals.
  - Step 2: Retabulate the percentage of the vote to three decimals, received by each presidential preference excluding the votes of presidential preferences whose percentage in Step 1 falls below 15%.
  - Step 3: Multiply the number of delegates to be allocated by the percentage received by each presidential preference.
  - Step 4: Delegates shall be allocated to each presidential preference based on the whole numbers which result from the multiplication in Step 3.
  - Step 5: Remaining delegates, if any, shall be awarded in order of the highest fractional remainders in Step 3.
- E. At-large and pledged party leader and elected official delegate and alternate positions shall be allocated to presidential preferences by reference to primary or convention votes or to the division of preference among district-level delegates or alternates, as the case may be, as specified in Rule 10.C., except that a preference falling below a threshold of fifteen percent (15%) shall not be awarded any delegates or alternates at this level. Such delegates and alternates in primary states shall be allocated to presidential preference (including uncommitted status) according to the statewide primary vote.
- F. In all situations where no preference reaches the applicable threshold, the threshold shall be the percentage of the vote received at each level of the delegate selection process by the front-runner minus 10 percent.
- G. Under no circumstances shall the use of single-delegate districts be permitted.
- H. For the purpose of fairly reflecting the division of preferences, the non-binding advisory presidential preference portion of primaries shall not be considered a step in the delegate selection process and is considered detrimental. State parties must take steps to educate the public that a non-binding presidential preference event is meaningless, and state parties and presidential candidates should take all steps possible not to participate.
- 1. In a state that uses a caucus and/or convention to determine presidential preference of voters, the plan must provide for the timely reporting of the election results to the state party.

## 14. Petition Requirements and Filing Deadlines

- A. If a state requires the filing of petitions with the signatures of registered/enrolled voters as the sole method to place a presidential candidate's name on the primary ballot in connection with the Democratic presidential nominating process, such number of valid signatures shall not exceed 5,000.

## 2012 Delegate Selection Rules for the Democratic National Convention

---

- B. If a state requires the payment of a fee by a presidential candidate in connection with the Democratic presidential nominating process, such fee shall not exceed \$2,500.
- C. If a state requires the filing of a petition with the signatures of registered/enrolled voters in order to have a delegate/alternate candidate gain access to the primary ballot in connection with the Democratic presidential nominating process, the number of valid signatures shall not exceed either one half of one percent (.5%) of the registered/enrolled Democrats in such district or one half of one percent (.5%) of the total votes in such district for all Democratic presidential candidates (including uncommitted) during the immediately preceding presidential nominating process, whichever is lower, but in no event shall the number of valid signatures required exceed 500.
- D. Subject to the prior sections of this rule, the number of valid signatures required of a presidential candidate to file a petition to gain access to the primary ballot, and the number of valid signatures required of a delegate/alternate candidate to gain access to the primary ballot, and the fees required to be paid to the state by a presidential candidate and by a delegate/alternate candidate to gain access to the primary ballot, in connection with the Democratic presidential nominating process, shall not exceed those in effect in the particular state as of January 1, 1994.
- E. No deadline for the filing of petitions for participation in the presidential nomination process by a presidential candidate shall be less than 30 days in advance of the primary or caucus nor more than 75 days in advance of the primary or caucus.
- F. No candidate for delegate or alternate shall be required to file a statement of candidacy or a pledge of support as required by Rule 12.B. prior to 30 days before such delegate or alternate candidate is to be selected or elected in a primary, caucus or pre-primary caucus; provided, however, that in states holding a presidential primary where individual district-level delegates or alternates are to be voted upon on the ballot, no candidate for delegate or alternate shall be required to submit or file a statement of candidacy or a pledge of support prior to 90 days before the date on which they are to be voted upon.
- G. No candidate for at-large or pledged party leader and elected official delegate or alternate shall be required to file a statement of candidacy or a pledge of support required by Rule 12.B. prior to 30 days before the date when the delegate or alternate is to be selected or voted upon.
- H. No state's delegate selection rules may require the filing of district-level delegate or alternate candidates pledged to a presidential candidate or uncommitted status as a condition of access by a presidential candidate to the primary ballot for voting upon presidential preference.

### 15. Quorum Requirements

No less than forty percent (40%) of the members of any Party body above the first level of the delegate selection process shall constitute a quorum for any business pertaining to the selection of convention delegates.

### 16. Proxy Voting

To insure full participation in the delegate selection process, state party rules may, at their discretion, provide for proxy voting. Such rules shall allow an accredited participant in a caucus, convention or committee meeting, after having appeared at such meeting and having established credentials, to register the non-transferable proxy with another duly accredited participant at that meeting (except where an accredited alternate is present and eligible to serve as a replacement). Unless otherwise specified, a proxy shall be deemed to be general and uninstructed. No such rule shall allow a person to hold more than three (3) proxies at a time.

### 17. Unit Rule and Slate-Making

- A. The unit rule, or any rule or practice whereby all members of a Party unit or delegation may be required to cast their votes in accordance with the will of a majority of the body, shall not be used at any stage of the delegate selection process.
- B. Any individual or group of Democrats may sponsor or endorse a slate of candidates for convention delegates. But no slate may, by virtue of such endorsement, receive a preferential place on a delegate selection ballot or be publicly identified on the ballot as the official Democratic Party organization slate, and all slates must meet identical qualifying requirements for appearing on a ballot at all levels of the delegate selection process.

### 18. Alternates and Vacancies

- A. Alternate delegates shall be selected by primary, convention or committee processes subject to the same National Party Rules applicable to the selection of delegates, except that the provisions of Rule 9.A. shall not apply to the election of alternates. Each State Democratic Chair shall certify all alternates in writing to the Secretary of the DNC.
- B. If a given presidential preference is entitled to one or more delegate positions in a state but would not otherwise be entitled to an alternate position, that preference shall be allotted one at-large alternate position.
- C. The proportions of alternates elected at the district level, and at-large, and as pledged party leader and elected official alternates, may be the same as the proportions of delegates elected in those categories.
- D. Each state Delegate Selection Plan shall specifically provide how and under what conditions an alternate is to replace or act in lieu of (collectively referred to as “replace” or “replaces”) a delegate.

- 1. Delegate Selection Plans may specify one or any combination of the following alternatives for permanent and temporary replacements:
  - a. The delegate chooses the alternate;
  - b. The delegation chooses the alternate;
  - c. The alternate who receives the highest number of votes; or
  - d. Such other process as protects the interests of presidential candidates, delegates and alternates.
- 2. A permanent replacement occurs when a delegate resigns or dies prior to and during the National Convention and the alternate replaces the delegate for the remainder of the National Convention. Any alternate who permanently replaces a delegate shall be certified in writing to the Secretary of the DNC by the State Democratic Chair. He/She shall be of the same presidential preference (including uncommitted status) and sex of the delegate he/she replaces, and to the extent possible shall be from the same political subdivision within the state as the delegate; except in the case where the presidential candidate has only one alternate, in which case, that alternate shall become the certified delegate.
- 3. A temporary replacement occurs when a delegate is to be absent for a limited period of time during the convention and an alternate temporarily acts in the delegate’s place. Any alternate who temporarily replaces a delegate must be of the same presidential preference (including uncommitted status) as the delegate he/she replaces, and to the extent possible shall be of the same sex and from the same political subdivision within the state as the delegate.
- E. A vacant alternate position shall be filled by the delegation. The replacement shall be of

---

## 2012 Delegate Selection Rules for the Democratic National Convention

---

the same presidential preference (or uncommitted status), of the same sex and, to the extent possible, from the same political subdivision as the alternate being replaced. Each replacement of a vacant alternate position shall be certified in writing to the Secretary of the DNC by the State Democratic Chair.

### 19. DNC Rules and Bylaws Committee

- A. The DNC Rules and Bylaws Committee will assist in the administration and enforce affirmative action, inclusion and delegate selection requirements for the national and state Democratic Parties.
- B. The DNC Rules and Bylaws Committee shall implement the Delegate Selection Rules in a manner consistent with these rules.
- C. The DNC Rules and Bylaws Committee will provide state parties with a model Delegate Selection, Affirmative Action Plan and Inclusion Program.
- D. The DNC Rules and Bylaws Committee shall:
  - 1. review Affirmative Action Plans, Inclusion Programs and Delegate Selection Plans submitted by state parties and approve or recommend changes in such plans;
  - 2. conduct periodic evaluations and provide technical assistance to state parties on affirmative action plan, inclusion program and delegate selection implementation;
  - 3. hear and recommend solutions to affirmative action plans and inclusion programs complaints unresolved by appropriate state party bodies.
- E. The DNC Rules and Bylaws Committee shall retain jurisdiction over the approval of amendments to state Delegate Selection

Plans and state delegation compliance with equal division requirements, even after the Convention Credentials Committee assumes jurisdiction over challenges to the credentials of delegates.

- F. No later than December 15, 2010, the DNC Rules and Bylaws Committee shall send to state parties its regulations adopted pursuant to these rules and a checklist.
- G. The DNC shall allocate sufficient financial resources and staff to implement this rule.

### 20. Challenges

- A. Jurisdictional Challenges. Any challenges to a state party organization in respect to its status as the body entitled to sponsor a delegation from that state must be presented to the DNC at any time up to thirty (30) days prior to the initiation of the state's delegate selection process. Such a challenge must be brought by at least fifteen (15) Democrats from the state.
- B. Submission, Non-Implementation and Violation Challenges. Failure to submit or implement an approved affirmative action program and inclusion program by the deadline specified in these rules shall constitute grounds for a challenge with the burden of proof on the challenged party.
  - 1. At any time up to thirty (30) days prior to the initiation of the state's delegate selection process, any group of not less than fifteen (15) Democrats in that state can challenge the affirmative action plan and inclusion program on the basis of non-implementation of a specific requirement of a state plan, which challenge shall include reasonable documentation of alleged violations. (In such challenges, the challenging party shall have the burden of proof, but the challenged party shall present its case first.)
    - a. In the absence of any such challenge, the implementation of

## 2012 Delegate Selection Rules for the Democratic National Convention

---

any such program shall be presumptively in compliance.

- b. If challenged and upheld, the compliance of such implementation programs shall be conclusive but not as to compliance or non-compliance that may occur after the date of the challenge.
  2. Challenges regarding alleged violation of an approved Delegate Selection Plan shall first be brought to the appropriate state Democratic Party body for a decision to be rendered within twenty-one (21) days. After due notice, any aggrieved party shall have the right to appeal to the DNC Rules and Bylaws Committee within ten (10) days following the decision of the state body according to procedures established by DNC Rules and Bylaws Committee.
  3. The DNC Rules and Bylaws Committee shall either certify compliance, certify non-compliance or require corrective action after which compliance or non-compliance shall be certified.
- C. 1. a. Violation of timing: In the event the Delegate Selection Plan of a state party provides or permits a meeting, caucus, convention or primary which constitutes the first determining stage in the presidential nominating process to be held prior to or after the dates for the state as provided in Rule 11 of these rules, or in the event a state holds such a meeting, caucus, convention or primary prior to or after such dates, the number of pledged delegates elected in each category allocated to the state pursuant to the Call for the National Convention shall be reduced by fifty (50%) percent, and the number of alternates shall also be reduced by fifty (50%) percent. In addition, none of the members of the Democratic National Committee

and no other unpledged delegate allocated pursuant to Rule 9.A. from that state shall be permitted to vote as members of the state's delegation. In determining the actual number of delegates or alternates by which the state's delegation is to be reduced, any fraction below .5 shall be rounded down to the nearest whole number, and any fraction of .5 or greater shall be rounded up to the next nearest whole number.

- b. A presidential candidate who campaigns in a state where the state party is in violation of the timing provisions of these rules, or where a primary or caucus is set by a state's government on a date that violates the timing provisions of these rules, may not receive pledged delegates or delegate votes from that state. Candidates may, however, campaign in such a state after the primary or caucus that violates these rules. "Campaigning" for purposes of this section includes, but is not limited to, purchasing print, internet, or electronic advertising that reaches a significant percentage of the voters in the aforementioned state; hiring campaign workers; opening an office; making public appearances; holding news conferences; coordinating volunteer activities; sending mail, other than fundraising requests that are also sent to potential donors in other states; using paid or volunteer phoners or automated calls to contact voters; sending emails or establishing a website specific to that state; holding events to which Democratic voters are invited; attending events sponsored by state or local Democratic organizations; or paying for campaign materials to be used in such a state. The Rules and Bylaws Committee will determine whether candidate activities are covered by this section.

## 2012 Delegate Selection Rules for the Democratic National Convention

---

2. Violation of proportional representation: In the event the Delegate Selection Plan of a state party provides or permits the pledged delegates or alternates to be allocated to a presidential preference (including uncommitted status) other than as provided under Rule 13 of these rules, or in the event a state party, in fact, allocates its pledged delegates or alternates to a presidential preference (including uncommitted status) other than as provided under Rule 13 of these rules, the delegation of the state shall be reduced by the same amount and as provided in section C.(1) of this rule.
3. Violation of the threshold: In the event the Delegate Selection Plan of a state party provides or permits a threshold other than fifteen percent (15%) percent as set forth in Rule 13 of these rules, or in the event a state party in fact permits the implementation of a threshold other than fifteen percent (15%) percent as provided in Rule 13 of these rules, the delegation of the state shall be reduced by the same amount and as provided in section C.(1) of this rule.
4. Upon a determination of the DNC Rules and Bylaws Committee that a state is in violation as set forth in subsections (1), (2) or (3) of section C. of this rule, the reductions required under those subsections shall become effective automatically and immediately and without further action of the DNC Rules and Bylaws Committee, the Executive Committee of the DNC, the DNC or the Credentials Committee of the Democratic National Convention.
5. Nothing in the preceding subsections of this rule shall be construed to prevent the DNC Rules and Bylaws Committee from imposing additional sanctions, including, without limitation, those specified in subsection (6) of this section C., against a state party and against the delegation from the state which is subject to the provisions of any of subsections (1) through (3) of this section C., including, without limitation, establishing a committee to propose and implement a process which will result in the selection of a delegation from the affected state which shall (i) be broadly representative, (ii) reflect the state's division of presidential preference and uncommitted status and (iii) involve as broad participation as is practicable under the circumstances.
6. Nothing in these rules shall prevent the DNC Rules and Bylaws Committee from imposing sanctions the Committee deems appropriate with respect to a state which the Committee determines has failed or refused to comply with these rules, where the failure or refusal of the state party is not subject to subsections (1), (2) or (3) of this section C. Possible sanctions include, but are not limited to: reduction of the state's delegation; pursuant to Rule 21.C., recommending the establishment of a committee to propose and implement a process which will result in the selection of a delegation from the affected state which shall (i) be broadly representative, (ii) reflect the state's division of presidential preference and uncommitted status and (iii) involve as broad participation as is practicable under the circumstances; reducing, in part or in whole, the number of the state's members to the Standing Committees; reducing, in part or in whole, the number of guests, VIP and other passes/tickets to the National Convention and related functions; assignment of location of the state's delegates and alternates in the Convention hall; and assignment of the state's housing and other convention related facilities.
7. In the event a state shall become subject to subsections (1), (2) or (3) of section C. of this rule as a result of state law but the DNC Rules and Bylaws Committee, after an investigation, including

## 2012 Delegate Selection Rules for the Democratic National Convention

---

hearings if necessary, determines the state party and the other relevant Democratic party leaders and elected officials took all provable, positive steps and acted in good faith to achieve legislative changes to bring the state law into compliance with the pertinent provisions of these rules and determines that the state party and the other relevant Democratic party leaders and elected officials took all provable, positive steps and acted in good faith in attempting to prevent legislative changes which resulted in state law that fails to comply with the pertinent provisions of these rules, the DNC Rules and Bylaws Committee shall determine that all or a portion of the state's delegation shall not be reduced. The state party shall have the burden of proving by clear and convincing evidence that it and the other relevant Democratic party leaders and elected officials took all provable, positive steps and acted in good faith to achieve legislative changes to bring the state law into compliance with the pertinent provisions of these rules and that it and the other relevant Democratic party leaders and elected officials took all provable, positive steps and acted in good faith in attempting to prevent the legislative changes which resulted in state law that fails to comply with the pertinent provisions of these rules.

8. A state party may provide in its Delegate Selection Plan the specific method and procedures by which it will reduce its delegation pursuant to this Rule 20 in the event the state party or delegation becomes subject to this Rule 20 by which categories of delegates must be reduced by fifty percent (50%) percent, which specific method and procedures shall be subject to the review and approval of the DNC Rules and Bylaws Committee. In the event a state's Delegate Selection Plan does not provide for the specific method and procedures referred to in the

immediately preceding sentence, or in the event the state's Delegate Selection Plan is either not approved by the DNC Rules and Bylaws Committee or the specific method and procedures referred to in the first sentence of this subsection (8) are not approved by the DNC Rules and Bylaws Committee, or in the event a state's Delegate Selection Plan specifies the method and procedures which have been approved by the DNC Rules and Bylaws Committee, but the state party fails or refuses to implement those specific method and procedures, and in the event the state's delegation is required to be reduced pursuant to this Rule 20, then the DNC Rules and Bylaws Committee shall, by lottery, or other appropriate method determined by the DNC Rules and Bylaws Committee, determine which delegates and alternates shall not be a part of the state's delegation in order to achieve the reduction of the state's delegation pursuant to this Rule 20. Any reduction of delegates under this provision shall be accomplished in a manner which complies with the requirement of proportional representation as provided for in Rule 13.

9. Except as provided by subsection (7) of this section C., the fact that a state party took provable, positive steps as provided in Rule 21 of these rules shall not preclude the state's delegation from being subject to the sanctions set forth in subsections (1), (2), (3), (4) and (5) of this section C.
- D. Unresolved Challenges and Report to the Credentials Committee. The DNC Rules and Bylaws Committee shall report its activities, together with all challenges and complaints, to the Credentials Committee of the Democratic National Convention. In cases involving unresolved challenges which are appealed to the Credentials Committee, the burden of proof shall rest with the party presenting the challenge.

**21. State Legislative Changes**

- A. Subject to Rule 19.C. of these Rules, wherever any part of any section contained in these rules conflicts with existing state laws, the state party shall take provable positive steps to achieve legislative changes to bring the state law into compliance with the provisions of these rules.
- B. Provable positive steps shall be taken in a timely fashion and shall include, but not be limited to: the drafting of corrective legislation; public endorsement by the state party and the other relevant Democratic party leaders and elected officials of such

legislation; efforts to educate the public on the need for such legislation; active support for the legislation by the state party lobbying state legislators, other public officials, Party officials and Party members; and encouraging consideration of the legislation by the appropriate legislative committees and bodies.

- C. A state party may be required by a vote of the DNC Executive Committee upon a recommendation of the DNC Rules and Bylaws Committee to adopt and implement an alternative Party-run delegate selection system which does not conflict with these rules, regardless of any provable positive steps the state may have taken.





**DEMOCRATS**  
DEMOCRATIC NATIONAL COMMITTEE

**CALL**

**For the 2012 Democratic National  
Convention**

Issued by the Democratic Party of the United States

***Governor Tim Kaine***  
***Chairman***

As Adopted by the Democratic National Committee, August 20, 2010.



# TABLE OF CONTENTS

## Articles

I.	Distribution of Delegate Votes.....	1
II.	Qualifications of State Delegates.....	3
III.	Delegate Selection Deadline.....	4
IV.	Certification Requirements.....	4
V.	The 2012 Democratic National Convention Committee, Inc.....	6
VI.	Presidential Candidates.....	7
VII.	Standing Committees on Platform, Rules and Credentials of the 2012 Democratic National Convention.....	7
VIII.	Procedural Rules for the 2012 Democratic National Convention.....	13
Appendix A.	Relationship Between the 2012 Rules of Procedure of the Credentials Committee and the 2012 Delegate Selection Rules.....	21
	Rules of Procedure of the Credentials Committee of the 2012 Democratic National Convention.....	21
Appendix B.	Delegate/Alternate Allocation.....	31
Appendix C.	Allocation of Convention Pages.....	35
Appendix D.	Allocation of Standing Committee Members.....	37



# CALL

## For the 2012 Democratic National Convention

### To Whom It May Concern:

*By authority of the Democratic National Committee, the National Convention of the Democratic Party is hereby scheduled to convene on September 3, 2012, in Location TBA, at an hour to be announced, to select nominees for the offices of President and Vice President of the United States of America, to adopt and promulgate a platform and to take such other actions with respect to such other matters as the Convention may deem advisable.*

### I. Distribution of Delegate Votes

The distribution of votes, delegates and alternates to the 2012 Democratic National Convention shall be in accordance with the following:

- A. The number of Convention votes for delegates to the Convention shall be as set forth in the compilation included in this resolution and determined as provided in paragraphs B, C, D, E, F, G, and H<sup>1</sup>.
- B. A base of 3,700 delegate votes is distributed among the 50 states and the District of Columbia according to a formula giving equal weight to the sum of the vote for the Democratic candidates in the three (3) most recent presidential elections and to population by electoral vote. The formula is expressed mathematically as follows:

$$A = \frac{1}{2} \left( \frac{SDV_{2000} + SDV_{2004} + SDV_{2008}}{TDV_{2000} + TDV_{2004} + TDV_{2008}} + \frac{SEV}{538} \right)$$

A = Allocation Factor  
 SDV = State Democratic Vote  
 SEV = State Electoral Vote  
 TDV = Total Democratic Vote

To determine the base delegation for each state and the District of Columbia, the allocation factors as determined by the above formula are multiplied by 3,700.

Fractions of .5 and above are rounded up to the next highest integer.

- C. 1. For purposes of this paragraph C, the period of time in which the first determining stage of the presidential nomination process takes place during 2012 shall be divided into Stages as follows:

Stage I: The earliest date specified in Rule 11 of the Delegate Selection Rules through March 31, 2012, inclusive.

Stage II: April 1 through April 30, 2012, inclusive.

Stage III: May 1 through June 10, 2012, inclusive.

- 2. A percentage of the base delegate votes determined pursuant to paragraphs B and E shall be added to the number of base pledged delegates otherwise determined pursuant to those paragraphs, for the purpose of increasing the size of the base pledged delegation, as follows:

- a. for any state in which the meeting, caucus, convention or primary which constitutes the first determining stage in the presidential nomination process in that state occurs in 2012 on a date in Stage II, the percentage shall be 10 percent; and in which the meeting, caucus, convention or primary

<sup>1</sup> See **Appendix B** for the allocation of delegates and alternates.

## 2012 Call for the Democratic National Convention

---

which constitutes the first determining stage in the presidential nomination process in that state occurs in 2012 on a date in Stage III, the percentage shall be 20 percent.

- b. for any state in which the meeting, caucus, convention or primary which constitutes the first determining stage in the presidential nomination process in that state is held in a regional cluster, that percentage shall be an additional 15 percent added onto the base delegate vote without accounting for any adjustments made pursuant to Article I.C.2.a. States deemed to qualify as a regional cluster shall have contests that are:
  - i. held in conjunction with at least two other neighboring states holding similar contests; and
  - ii. on or after the third Tuesday in March.

D. Fifteen percent (15%) of the base delegate votes determined pursuant to paragraphs B and E shall be added to the number of votes allocated for the purpose of representing pledged Party and Elected Official delegates. For purposes of this paragraph, the number of base delegate votes determined pursuant to paragraph B shall be the number determined thereunder after rounding. Fractions of .5 and above resulting from the multiplication required by this paragraph are rounded up to the next highest integer.

E. American Samoa, Guam and the Virgin Islands will each receive six (6) at-large delegate votes. Democrats Abroad will receive twelve (12) at-large and one (1) pledged Party and Elected Official delegate

votes. Puerto Rico will receive forty-four (44) base delegate votes.

F. Unpledged votes shall be allocated to each delegation to accommodate the members of the Democratic National Committee from that state or territory in which they legally reside. The size of such a member's vote (i.e., whole or fractional) shall be the same size as that which he or she is allowed to cast at meetings of the Democratic National Committee. Additional unpledged delegates shall be allocated for other officers serving in three (3) positions created by the Democratic National Committee in accordance with Article 3, Section 1.e. of the Charter of the Democratic Party of the United States.

G. Unpledged votes shall be allocated to provide for the Democratic President, the Democratic Vice President, and all former Democratic Presidents, all former Democratic Vice Presidents, all former Democratic Leaders of the United States Senate, all former Democratic Speakers of the United States House of Representatives and Democratic Minority Leaders, as applicable, and all former Chairpersons of the Democratic National Committee.<sup>2</sup> Such delegates shall be seated with the state delegations from the state in which they have their voting residences.

H. Additional unpledged votes shall be added if needed to provide for the Democratic Governor<sup>3</sup> (if any) from that state or territory and for the Democratic Members of the United States House of Representatives and Democratic United States Senators from that state or territory (if any).<sup>4</sup>

---

<sup>2</sup> Former Chairpersons of the Democratic National Committee shall include National Chairs and General Chairs.

<sup>3</sup> The Mayor of the District of Columbia, if a Democrat, shall be treated as a Democratic Governor.

<sup>4</sup> The District of Columbia's Statehood Senators, if Democrats, shall be treated as Democratic United States Senators.

- I. Each state, the District of Columbia and Puerto Rico may select a number of alternates equivalent to one (1) alternate for every twelve (12) Convention votes received by it pursuant to paragraphs B, C, D, and E, provided, however, that each such delegation shall have at least two (2) alternates. American Samoa, Democrats Abroad, Guam and the Virgin Islands shall each have one (1) alternate. Fractions of .5 and above are rounded up to the next highest integer. It is further provided that each state shall have the number of additional at-large alternates necessary to provide at least one alternate for each presidential candidate who is entitled to delegates from that state, if the DNC Rules and Bylaws Committee determines that the number of alternates allocated to the state is not sufficient for each presidential candidate to have at least one alternate.
- J. Members of the Democratic National Committee and delegates selected pursuant to paragraphs G, and H will be ineligible to serve as delegates under any other category and may hold no more than one (1) vote. Democratic Governors, Democratic Members of the United States House of Representatives and Democratic United States Senators who are members of the Democratic National Committee shall serve as delegates by virtue of their membership on the National Committee.

## II. Qualifications of State Delegations

- A. Notice is hereby given that delegates, alternates and standing committee members to the Democratic National Convention shall be elected in accordance with the Charter and Bylaws of the Democratic Party of the United States, the Delegate Selection Rules for the 2012 Democratic National Convention, the Call for the 2012 Democratic National Convention, and the Regulations of the DNC Rules and Bylaws Committee. The DNC Rules and Bylaws

Committee shall have the final authority to regulate the delegate selection process, subject to the authority of the Convention Credentials Committee and the Democratic National Convention. It shall be the duty of the DNC Rules and Bylaws Committee to administer the delegate selection process and ensure compliance with the rules, including equal division, and report to the Secretary of the Democratic National Committee those states which are in non-compliance. Only delegates and alternates selected under a delegate selection procedure approved by the DNC Rules and Bylaws Committee and in accordance with the rules shall be placed on the Temporary Roll of the 2012 Democratic National Convention. Only standing committee members and convention pages chosen pursuant to a state delegate selection plan found in compliance with the rules by the DNC Rules and Bylaws Committee shall be qualified to serve in their respective capacities.

- B. It is understood that a State Democratic Party, in electing and certifying delegates and alternates to the Democratic National Convention, thereby undertakes to assure all Democratic voters in the state full, timely and equal opportunity to participate in the delegate selection process and in all Party affairs and to implement affirmative action plans and inclusion programs toward that end, and that the delegates and alternates to the Convention shall be selected in accordance with the Delegate Selection Rules for the 2012 Democratic National Convention adopted by the Democratic National Committee on August 20, 2010. Furthermore, voters in the state will have the opportunity to cast their election ballots for the Presidential and Vice Presidential nominees selected by said Convention, and for electors pledged formally and in good conscience to the election of these Presidential and Vice Presidential nominees, under the label and designation of the Democratic Party of the United States, and that the delegates it certified will not

publicly support or campaign for any candidate for President or Vice President other than the nominees of the Democratic National Convention.

- C. It is presumed that the delegates to the Democratic National Convention, when certified pursuant to the Call, are bona fide Democrats who are faithful to the interests, welfare and success of the Democratic Party of the United States, who subscribe to the substance, intent and principles of the Charter and the Bylaws of the Democratic Party of the United States, and who will participate in the Convention in good faith. Therefore, no additional assurances shall be required of delegates to the Democratic National Convention in the absence of a credentials contest or challenge.

### III. Delegate Selection Deadline

All state parties are required to take all steps necessary and appropriate to complete the process of selecting delegates to the 2012 Democratic National Convention no later than June 23, 2012.

### IV. Certification Requirements

- A. Pledged Delegates and Alternates: Each state's Democratic Chair shall certify in writing to the Secretary of the Democratic National Committee the election of his or her state's delegates and alternates to the Democratic National Convention ten (10) days after their election. For the purposes of this Call, the Chair of a committee constituted pursuant to Rule 20.C. of the Delegate Selection Rules, shall be recognized to act in place of the state's Democratic Chair.
- B. Unpledged Delegates:
1. Pursuant to Rule 9.A. of the Delegate Selection Rules, official confirmation by the Secretary of the Democratic National

Committee to each State Democratic Chair shall constitute verification of the following unpledged delegates: members of the Democratic National Committee; the Democratic President, Vice President and Democratic Governor, if applicable; all Democratic members of the United States House of Representatives and all Democratic members of the United States Senate; and all former Democratic Presidents, Vice Presidents, Democratic Leaders of the United States Senate, Speakers and Democratic Minority Leaders of the United States House of Representatives, and Chairs of the Democratic National Committee.

- C. Presidential Preference:

Ten (10) days after the completion of the state's delegate selection process, each state's Democratic Chair shall certify in writing to the Secretary of the Democratic National Committee the presidential preference (including uncommitted) of the state's delegates.

- D. Replacements:

1. Pledged Delegates and Alternates:

Replacement of a delegate (due to resignation or death) by an alternate and replacement of a vacant alternate position shall be certified in writing by the State's Democratic Chair to the Secretary of the Democratic National Committee (pursuant to Rule 18 of the Delegate Selection Rules) within three (3) days after the replacement is selected. Certification of replacements will be accepted by the Secretary up to 48 hours before the first official session of the Convention is scheduled to convene.



## 2012 Call for the Democratic National Convention

---

2. Unpledged Delegates:
  - a. Members of Congress and Democratic Governors shall not be entitled to name a replacement. In the event of any changes or vacancies in a state's Democratic congressional delegation following the official confirmation and prior to the commencement of the National Convention, the Secretary shall recognize only such changes as have been officially recognized by the Democratic Caucus of the United States House of Representatives or the Democratic Conference of the United States Senate. In the event of a change or vacancy in a state's office of Governor following the official confirmation and prior to the commencement of the National Convention, the Secretary shall recognize only such changes as have been officially recognized by the Democratic Governors' Association.
  - b. Members of the Democratic National Committee shall not be entitled to a replacement, nor shall the state be entitled to a replacement, except in the case of death of such delegates. In cases where a state's DNC membership changes following the Secretary's official confirmation, but prior to the commencement of the 2012 Democratic National Convention, acknowledgment by the Secretary of the certification of the new DNC member shall constitute verification of the corresponding change of unpledged delegates.
  - c. Delegates allocated pursuant to Articles I.F., I.G. and I.H. of this Call shall not be entitled to name a replacement, nor shall the state be entitled to a replacement.
- E. Delegation Chair: Each delegation shall select one (1) person to serve as Delegation Chair. The State Chair shall certify the Delegation Chair. Such certification shall be in writing to the Secretary of the Democratic National Committee within three (3) days after the position is filled, which shall be no later than the date by which the state certifies its standing committee members.
- F. Convention Pages:
  1. A base of 150 Convention Pages shall be allocated among the 56 delegations as follows:<sup>5</sup>
    - a. Each of the 50 States, the District of Columbia and Puerto Rico shall have a minimum of two (2) pages.
    - b. One (1) additional page will be allocated to a state for every fifty (50) additional delegate votes. Fractions of .5 and above are rounded up to the next highest integer.
    - c. American Samoa, Democrats Abroad, Guam and the Virgin Islands shall each be allocated one (1) page.
  2. The National Chairperson of the Democratic National Committee may select not more than twenty-five (25) pages to assist him/her and the Democratic National Convention Committee in carrying out the work of the Convention.
  3. The State Chair shall certify the person(s) to serve as the Delegation's Convention Page(s), as allocated to the delegation by this section. Such certification shall be in writing to the Secretary of the Democratic National Committee and shall be made no later than the time the state certifies its standing committee members pursuant

---

<sup>5</sup> See **Appendix C** for the allocation of Convention Pages.

## 2012 Call for the Democratic National Convention

---

to Article VIII.B.3. of this Call. The National Chairperson of the Democratic National Committee shall certify the person(s) to serve as the Chair's Convention Page(s), as allocated to the National Chairperson by this section. Such certification shall be in writing to the Secretary of the Democratic National Committee and shall be made within three (3) days after these positions are filled, but in any event, no later than June 23, 2012.

G. Certification Requirements: Each certification required herein will include full name, address and other information as required by the Secretary of the Democratic National Committee.

### **V. The 2012 Democratic National Convention Committee, Inc.**

A. The Democratic National Committee, acting under its authority to plan, arrange, manage and conduct the Democratic National Convention, hereby ratifies the establishment and organization of the 2012 Democratic National Convention Committee, Inc. (the "DNCC") for the 2012 Democratic National Convention.

B. The DNCC shall exercise the authority of the Democratic National Committee and the Democratic National Convention in entering into contracts relating to all business and financial matters connected with the conduct of the 2012 Democratic National Convention.

C. The DNCC shall make every effort to exercise its authority in accordance with the following guidelines, subject to Rule 20.C. of the Delegate Selection Rules:

1. Contractors: The DNCC shall as a policy seek to engage the services of unionized firms, including those owned by minorities, women and people with disabilities.

2. Housing: The DNCC shall design and implement a fair and equitable system by which hotel facilities shall be allocated to eligible state delegations and to presidential candidates.
3. Delegate and Alternate Seating in Convention Hall: The DNCC shall design and implement a fair and equitable system by which the location of each eligible state delegation's seating in the Convention Hall shall be determined. Alternates shall be afforded preferential seating, as close to delegate seating as arrangements will permit. Members of Democratic National Convention Standing Committees who are not already delegates or alternates shall be afforded guest seating for each session of the Convention proceedings.
4. Delegates' and Alternates' Credentials: The state's delegate and alternate credentials shall be distributed to the Chair of the state delegation from the DNCC's credentials office.
5. Floor Access: Floor access shall be given to delegates, alternates replacing delegates, the highest ranking Democratic official in each state that does not have a Democratic Governor, each State Democratic Party's Executive Director, such number of representatives of the presidential candidates as may be deemed necessary by the DNCC, and such press personnel and other personnel as may be determined by the DNCC to be necessary for the proper functioning of the Convention and which does not compromise security and safety requirements.
6. Visitor's Seating: Seats for members-elect of the Democratic National Committee as certified by the state's Democratic Chair, guests and other observers shall be allocated for and shall

be fairly apportioned to the states according to each state's relative delegate strength. The Delegation Chair and the State Democratic Chair shall each be given one half of the credentials for guest seats apportioned to the state pursuant to this paragraph. Presidential preference shall be taken into account in the distribution of guest credentials.

### 7. Communications:

- a. Microphones: Each state shall be provided one (1) floor microphone which shall be located at the position of the Chair of the state delegation. Each delegate shall have access to the microphone.
- b. Telephones: Adequate provisions shall be made for communication between the floor and the Chair of the Convention so as to advise the Chair of the identity of any delegate seeking recognition to speak and the purpose for which recognition is sought. One (1) such telephone shall be provided for each state delegation.
- c. General: No communication equipment other than that authorized by these guidelines or by the DNCC shall be permitted on the floor of the Convention.

### 8. Facilities for Presidential Candidates:

The National Chairperson of the Democratic National Committee, in consultation with the Chief Executive Officer of the DNCC and representatives of the presidential candidates, shall design and implement a fair and equitable system whereby facilities in the Convention Hall and its immediate environs shall be fairly apportioned to presidential campaigns so as not to afford an undue advantage to any presidential candidate. The cost of such facilities shall be paid by the presidential campaigns.

9. Facilities for News Media and Press Seating: There shall be made available adequate facilities, as close to the Convention floor as conditions permit, for the pencil press, radio, internet, and television, including a limited number of camera positions commanding a full view of the proceedings. The cost of such facilities shall not be borne by the DNCC.

10. Security: Coordination for security within the Convention Hall, premises and surrounding area shall be under the authority of the DNCC.

11. Financial Reports: The DNCC shall file with the Federal Election Commission ("FEC") all financial reports required by the Federal Election Campaign Act of 1971, as amended, and applicable FEC regulations.

## VI. Presidential Candidates

The term "presidential candidate" herein shall mean any person who, as determined by the National Chairperson of the Democratic National Committee, has accrued delegates in the nominating process and plans to seek the nomination, has established substantial support for his or her nomination as the Democratic candidate for the Office of the President of the United States, is a bona fide Democrat whose record of public service, accomplishment, public writings and/or public statements affirmatively demonstrates that he or she is faithful to the interests, welfare and success of the Democratic Party of the United States, and will participate in the Convention in good faith.

## VII. Standing Committees on Platform, Rules and Credentials of the 2012 Democratic National Convention

The Democratic National Committee, acting under its authority to issue the Call and establish the standing committees of the

## 2012 Call for the Democratic National Convention

---

National Convention, hereby creates and organizes the Standing Committees on Platform, Rules, and Credentials of the 2012 Democratic National Convention. The jurisdiction and rules of procedure of each standing committee are set forth in this Call to the 2012 Democratic National Convention. Each standing committee may, by a majority of the members voting, adopt additional rules of procedure for the conduct of its business not inconsistent with this Call. The Democratic National Committee shall publish and make available all relevant requirements and deadlines for submitting proposals for consideration by the standing committees. Such information shall be distributed to the standing committee members and made available to the public as early as practicable before the committees meet.

A. Membership: Subject to Rule 20.C. of the Delegate Selection Rules, each standing committee shall be composed of:

1. Base: A base of 161 members, casting 158 votes, allocated to the states and territories in accordance with the same distribution formula used to allocate delegates to the Democratic National Convention.<sup>6</sup>
2. PLEOs: 25 members, each casting one (1) vote who shall be Party Leaders and Elected Officials.
3. Delegate Status: Members of the standing committees need not be delegates or alternates to the Democratic National Convention.
4. Quorum: A majority of the total votes allocated to a standing committee shall constitute a quorum thereof for the purpose of transacting business. Such votes shall be present and represented by the standing committee members. Upon a point of order of no quorum, the Chair shall ascertain the presence or

absence of a quorum by visual estimation and shall not proceed until a quorum is present, provided, however, that a roll call shall be had to determine whether a quorum exists if the Chair is in doubt or upon demand of any member of the standing committee supported by:

- a. twenty percent (20%) of the members of the committee as evidenced by a petition submitted to the Chair indicating support of the demand by not less than twenty percent (20%) of the members present, or
  - b. by the rising in support of the demand by not less than twenty percent (20%) of the members present, except that a motion to adjourn or to recess may be offered and voted upon without a quorum present.
5. Proxies: As the standing committees are deliberative bodies of the National Convention, proxy voting by standing committee members shall not be permitted.
  6. Subcommittees: Any subcommittee of the standing committees of the National Convention shall be composed only of members of standing committees, except that these subcommittees may be chaired by persons other than members of the committee.

B. Election:

1. The members of the standing committees allocated to the states and territories shall be elected by each state's National Convention delegates present at a meeting of which adequate notice of time and place shall be given and at which a quorum of the state's delegates shall be present. Such meeting shall be held in accordance with procedures

---

<sup>6</sup> See **Appendix D** for the allocation of standing committee members.

## 2012 Call for the Democratic National Convention

---

approved by the DNC Rules and Bylaws Committee and consistent with this Call. Such meeting shall take place within 14 days after the final selection of a state's delegation, but no such meeting shall be held after June 23, 2012.

2. The members of the standing committees allocated as Party Leaders and Elected Officials shall be elected by the Executive Committee of the Democratic National Committee during the calendar year of the National Convention upon nomination received from the National Chairperson of the Democratic National Committee, after consultation with the State Chairs from those states from which members are contemplated to be nominated. Said members must be elected at a meeting of the Executive Committee or by mail ballot no later than 30 days prior to the date of the standing committee meeting.
3. Each state's Democratic Chair shall certify in writing to the Secretary of the Democratic National Committee his or her state's standing committee members within three (3) days after their selection. The National Chairperson of the Democratic National Committee shall certify in writing to the Secretary of the Democratic National Committee the Party Leader and Elected Official standing committee members within three (3) days after their election. Certification of each person will include full name, address and other information as required by the Secretary of the Democratic National Committee.
4. No substitutions will be permitted in the case of standing committee members, except in the case of resignation or death. Substitutions must be made in accordance with the election procedures specified in Article VII.B., C., D. and E., and must be certified in writing to the Secretary of the Democratic National Committee, in accordance with

procedures specified in Article VII.B.3. Substitutions of standing committee members are encouraged to be made up to forty-eight (48) hours prior to the time the standing committee meets, except in the case of death.

5. Any challenge to the credentials of a standing committee member shall be considered and resolved by the affected standing committee in accordance with Appendix A of this Call. The DNC Rules and Bylaws Committee shall have jurisdiction over challenges brought before the 56th day preceding the date of commencement of the Democratic National Convention.

### C. Presidential Preference:

1. The members of the standing committees allocated to the states and territories shall proportionately represent the presidential preference of all candidates (including uncommitted status) receiving the threshold percentage used in that state's delegation to calculate the at-large apportionment pursuant to Rule 13.E. of the Delegate Selection Rules, provided, however, that members of the standing committees from primary states shall be allocated to presidential candidates (including uncommitted status) based on the statewide popular vote.
2. The presidential preference percentage of each candidate receiving the applicable percentage or more within the delegation shall be multiplied by the total number of standing committee positions allocated to that state or territorial delegation. If the result of such multiplication does not equal 0.455 or above, the presidential preference in question is not entitled to representation on the standing committee. If the result of such multiplication is 0.455 but less than 1.455, the presidential preference in question is entitled to one (1) position. Those preferences securing more than

## 2012 Call for the Democratic National Convention

---

1,455 but less than 2,455 are entitled to two (2) positions, etc.

3. Where the application of this formula results in the total allocation exceeding the total number of committee positions, the presidential candidate whose original figure of representation is farthest from its eventual rounded-off total shall be denied that one (1) additional position. Where the application of this formula results in the total allocation falling short of the total number of committee positions, the presidential candidate whose original figure of representation is closest to the next rounding level shall be allotted an additional committee position.
4. Standing committee positions allocated to a presidential candidate shall be proportionately allocated, to the extent practicable, to each of the three standing committees. When such allocation results in an unequal distribution of standing committee positions by candidate preference, a drawing shall be conducted to distribute the additional positions.

#### D. Presidential Candidate Right of Approval:

1. Each presidential candidate or that candidate's representative authorized pursuant to Rule 12.D.1. of the 2012 Delegate Selection Rules shall be given adequate notice of the meeting of the state's delegation authorized to select standing committee members.
2. The delegation shall select the standing committee members submitted by the presidential candidates (including uncommitted status), and presidential candidates shall not be required to submit the name of more than one person for each slot awarded to such candidate for members of standing committees. Provided further, that presidential candidates (including

uncommitted status) shall use their best efforts to ensure that the name or names of standing committee members submitted help achieve the affirmative action goals established by the state's Delegate Selection Plan.

#### E. Division Between Men and Women:

1. The membership of each of the standing committees from a state or territory shall be as equally divided among men and women as possible under the state allocation; if the number is even, the membership shall be equally divided between men and women; if the number is odd, the variance between men and women may not exceed one (1), and the advantaged gender must not remain constant for the three standing committees. The DNC Rules and Bylaws Committee shall have continuing jurisdiction to ensure compliance with this equal division requirement. No standing committee members from a state shall be officially recognized unless the Rules and Bylaws Committee has certified to the Secretary of the Democratic National Committee that such state's standing committee delegation complies with this equal division rule. It is the duty of the DNC Rules and Bylaws Committee to determine such compliance as soon as practicable following the certification of the state's standing committee members.
2. The Party Leader and Elected Official membership of the standing committees elected by the Executive Committee of the Democratic National Committee shall be divided among men and women so that the variance between men and women does not exceed one (1), and the advantaged gender must not remain constant for the three standing committees.

## 2012 Call for the Democratic National Convention

---

### F. Chairs of Standing Committees:

1. The Chair(s) of each Standing Committee shall be elected by the Executive Committee of the Democratic National Committee upon nomination of the National Chairperson of the Democratic National Committee. Co-Chairs and Vice Chairs may also be elected in this manner.
2. Individuals who are not otherwise members of the standing committees who are elected Chair(s), Co-Chair(s) or Vice Chair(s) thereof shall not have any voting privileges on the standing committees, except that the Chair(s), may vote in the case of a tie.
3. The Chair(s) of each standing committee shall call and preside over each committee meeting, prepare an agenda to provide for orderly conduct of the committee's business, and supervise preparation of such research studies and briefing materials as are required to accomplish the committee's work.

### G. Platform Committee:

1. The Platform Committee shall be responsible for drafting and recommending the Platform of the Democratic Party to the Democratic National Convention.
2. The Chair(s) of the Platform Committee, in consultation with the National Chairperson of the Democratic National Committee, shall determine the number, place and time for conducting hearing(s) and/or forum(s) and name the presiding panel, who need not be members of the Platform Committee, for each hearing and/or forum. Any person may submit a written statement concerning the Platform to the Platform Committee at any time prior to the Platform Committee meeting, and may request permission to testify at a public hearing and/or forum.

3. No later than thirty (30) days before the first meeting of the Platform Committee, written notice of the date, time, place, and the tentative agenda of such meeting shall be sent to all members of the Platform Committee. A special or emergency meeting of the Platform Committee may be held upon call of the Chair(s) of the Platform Committee with reasonable notice to the members.
4. Prior to the first meeting of the Platform Committee, the National Chairperson of the Democratic National Committee shall distribute to the members of the Platform Committee a document outlining the issues to be considered by the committee.
5. The National Chairperson of the Democratic National Committee, in consultation with the Chair(s) of the Platform Committee, shall appoint fifteen (15) persons to serve on a Platform Drafting Subcommittee and the National Chairperson of the Democratic National Committee shall appoint the Chair(s) thereof. In addition, one (1) non-voting member may be appointed by each presidential candidate to serve on the Drafting Subcommittee. The Platform Drafting Subcommittee is considered a subcommittee of the Platform Committee as defined in Article I.A.6 provided, however, that members of the Platform Drafting Subcommittee need not be members of the Platform Committee. The Drafting Subcommittee shall be responsible for the drafting of the report of the Platform Committee under the direction and with the approval of the full Platform Committee.
6. Upon the request of members representing twenty-five percent (25%) of the total votes of the Platform Committee, a minority report shall be prepared for distribution to the

## 2012 Call for the Democratic National Convention

---

Convention delegates and alternates as part of the committee's report. The committee staff shall assist in the preparation of such report.

7. The report of the Platform Committee and any minority reports shall be distributed to all delegates and alternates, and to the public as soon as practicable after their adoption.

### H. Rules Committee:

1. The Rules Committee shall issue a report to the Democratic National Convention recommending the Permanent Rules of the Convention, the Convention agenda, the permanent officers of the Democratic National Convention, amendments to the Charter of the Democratic Party of the United States, and resolutions providing for the consideration of any other matter not provided for in the Permanent Rules of the Convention and not contained in the reports of other standing committees. The foregoing notwithstanding, no amendment to the Charter of the Democratic Party shall be effective unless and until it is subsequently ratified by a vote of the majority of the entire membership of the Democratic National Committee.
2. No later than thirty (30) days before the first meeting of the Rules Committee, written notice of the date, time, place, and the tentative agenda of such meeting shall be sent to all members of the Rules Committee. A special or emergency meeting of the Rules Committee may be held upon call of the Chair(s) of the Rules Committee with reasonable notice to the members.
3. Upon the request of members representing twenty-five percent (25%) of the total votes of the Rules Committee, a minority report shall be prepared for distribution to the

Convention delegates and alternates as part of the committee's report. The committee staff shall assist in the preparation of such report.

4. The report of the Rules Committee and any minority reports shall be distributed to all delegates, alternates, and to the public as soon as practicable after their adoption.

### I. Credentials Committee and Procedures for Challenging Delegates or State Delegations:

1. The Credentials Committee shall determine and resolve questions concerning the seating of delegates and alternates to the Convention pursuant to the resolution entitled the "Relationship Between the 2012 Rules of Procedure of the Credentials Committee and the 2012 Delegate Selection Rules," which includes the "Rules of Procedure of the Credentials Committee of the 2012 Democratic National Convention" hereby approved and adopted by the Democratic National Committee, and set forth in full in the Appendix to this Call. The committee shall report to the Convention for final determination and resolution of all such questions. This committee does not have authority over the allocation and distribution of convention credentials, including passes for delegates, alternates, guests or press.
2. Challenges to the seating of any delegate or alternate shall be in accordance with the Rules of Procedure of the Credentials Committee. Any challenge to the seating of a delegate or alternate that is not made in conformity with these rules shall be deemed waived.
3. Upon the request of members representing twenty-five percent (25%) of the total votes of the Credentials Committee, a minority report shall be prepared for distribution to the



Convention delegates and alternates as part of the committee's report; provided, however, that no member elected to the committee by a state delegation may join in such request as to a proposed minority report relating to a credentials challenge to any delegate or alternate from his or her state. The committee staff shall assist in the preparation of such report.

4. The report of the Credentials Committee and any minority reports shall be distributed to all delegates, alternates, and the public as soon as practicable after their adoption.

### **VIII. Procedural Rules of the 2012 Democratic National Convention**

The following Procedural Rules shall serve as the Temporary Rules of Procedure for the 2012 Democratic National Convention and are recommended to the Rules Committee and to the Convention as the Permanent Rules of Procedure for the conduct of the 2012 Democratic National Convention.

#### **A. Temporary Chair:**

1. The National Chairperson of the Democratic National Committee shall call the Convention to order and shall preside until the Permanent Chair of the Convention shall be chosen in accordance with these rules.
2. The National Chairperson of the Democratic National Committee shall appoint a Temporary Secretary and such other temporary officers as may be required to assist in the conduct of the business of the Convention. These officers shall be composed equally of men and women.

#### **B. Temporary Roll:**

1. The Secretary of the Democratic National Committee shall determine a Temporary Roll of delegates to the Convention which shall consist only of those persons selected and certified as delegates in accordance with the Rules and pursuant to this Call, unless a credentials contest shall have arisen with respect to any such person(s), in which case the Secretary shall include on the Temporary Roll the name of the credentials contestant recommended for inclusion by the Credentials Committee in its report.
2. Persons whose names are included on the Temporary Roll of delegates shall be permitted to vote on all matters before the Convention until after the adoption of the report of the Credentials Committee; provided that no person shall be permitted to vote on his or her credentials contest.

#### **C. Order of Business:** The order of business for the Democratic National Convention shall be as provided in these rules and in any special order of business adopted under Section D. of these rules. The Chair of the Convention may, at appropriate times, interrupt the order of business provided for in these rules for introductions, announcements, addresses, presentations, resolutions of tribute and appreciation, or remarks appropriate to the business of the Convention.

1. Report of the Committee on Credentials: The Report of the Credentials Committee shall be acted upon before the consideration of other business.
  - a. The Temporary Chair shall recognize the Chair(s) of the Credentials Committee for up to thirty (30) minutes to present the committee's report unless a longer period of time shall be provided in a special order of business agreed

## 2012 Call for the Democratic National Convention

---

- upon by the Convention. The Chair(s) of the committee may present committee amendments, yield part of his or her time to others and may yield for the presentation and disposition of minority reports without losing the right to the floor.
- b. The Temporary Chair shall arrange for the orderly presentation of amendments and of minority reports offered at the direction of the committee. Twenty (20) minutes shall be allowed for the presentation of each committee amendment or minority report unless a longer period for any committee amendment or minority report is provided in special orders of business agreed to by the Convention. Time shall be allotted equally to proponents and opponents of each committee amendment or minority report. The questions shall be put on each committee amendment or minority report immediately following its presentation without intervening motion.
  - c. Upon conclusion of the consideration and disposition of committee amendments and minority reports, the Temporary Chair shall put the question on the adoption of the report of the Credentials Committee with amendments previously adopted, if any, without intervening motion. A favorable majority vote of the Convention delegates eligible to vote shall constitute adoption of the report.
  - d. In the event that the committee's report shall not be adopted when the question is put, the committee shall immediately reconvene to reconsider its report and shall present a new report to the Convention as soon as possible.
2. Report of Rules Committee: The Temporary Chair(s) may then recognize the Chair(s) of the Rules Committee to present the committee's report for the Rules of the Convention and minority reports, if any, in the same manner as that provided for the presentation of the Report of the Credentials Committee. However, the Temporary Chair may, in the interest of conducting an orderly proceeding, opt to place before the Convention the election of the Permanent Chair, the Co-Chairs and the Secretary, prior to the presentation of the Rules Committee report.
  3. Convention Chair: The Convention shall proceed to elect the Permanent Convention Chair in the following manner:
    - a. In accordance with the requirements of the 1984 Democratic National Convention Resolution which calls for alternating the Convention Chair by gender, the Permanent Chair of the 2012 Democratic National Convention shall be a male.
    - b. The Chair(s) of the Rules Committee shall be recognized to offer a nomination for Convention Chair as recommended by the Committee on Rules. Nominations from the floor shall then be received.
    - c. When there are no further nominations or upon adoption of a motion to close nominations, the Temporary Chair of the Convention shall conduct a vote for Permanent Convention Chair.
    - d. A majority vote of the delegates present and voting shall be required to elect the Convention Chair. Balloting shall continue until a Chair is elected. The Permanent Chair shall then take the gavel.

## 2012 Call for the Democratic National Convention

---

4. Convention Co-Chairs: The Convention shall proceed to elect Co-Chairs and a Secretary in the same manner in which it elected the Chair. The Co-Chairs shall be divided equally between men and women.
5. Committee on Platform: The Permanent Chair shall recognize the Chair(s) of the Platform Committee to present the committee's report and minority reports, if any, in the same manner as that provided for the presentations of the reports of the Credentials and Rules Committees.
6. Nomination of the Democratic Candidate for President: The Permanent Chair shall receive nominations from the floor for the Democratic candidate for the Office of President of the United States in the following manner:
  - a. Requests to nominate a presidential candidate shall be in writing and shall have affixed thereto the written approval of the proposed nominee and the name of the individuals who shall be recognized to make the nominating and seconding speeches on behalf of a presidential candidate and shall be delivered to the Convention Secretary at a location as specified by the Secretary no later than 6:00 p.m. of the day preceding the day designated for the commencement of presidential nominations.
  - b. Each such request must be accompanied by a petition indicating support for the proposed nominee signed by delegates representing not less than 300 or more than 600 delegate votes, not more than 50 of which may come from one (1) delegation. A delegate may not sign more than one (1) nominating petition for president and for vice president.
  - c. The order for nominating presidential candidates shall be determined by the National Chairperson of the Democratic National Committee, the Permanent Chair of the Convention and each presidential candidate, or his or her authorized representative, who qualifies to be nominated pursuant to this section.
  - d. Each presidential candidate shall be allowed a total of twenty (20) minutes for the presentation of his or her name in nomination by nominating and seconding speeches, the time to run without interruption from the recognition of the nominator.
  - e. Delegates and alternates shall maintain order during and following nominations for the Office of President and demonstrations shall not be permitted.
7. Roll Call for Presidential Candidate:
  - a. After nominations for presidential candidates have closed, the Convention shall proceed to a roll call vote by states on the selection of the presidential candidate. The roll call voting shall follow the alphabetical order of the states with the District of Columbia and Puerto Rico and the territories treated as states for the purpose of the alphabetical roll call.
  - b. A majority vote of the Convention's delegates shall be required to nominate the presidential candidate.
  - c. Delegates may vote for the candidate of their choice whether or not the name of such candidate was placed in nomination. Any vote cast other than a vote for a presidential candidate meeting the requirements

## 2012 Call for the Democratic National Convention

---

- of Article VI of this Call and Rule 12.K. of the 2012 Delegate Selection Rules shall be considered a vote for "Present."
- d. Balloting will continue until a nominee is selected. Upon selection, balloting may be temporarily suspended, provided that the balloting shall continue at a time certain determined by the Convention Chair, until all states, the District of Columbia, Puerto Rico and the territories shall publically deliver their vote prior to the nominee's acceptance speech. The nominee shall become the candidate of the Democratic Party of the United States for the Office of President upon the conclusion of his or her acceptance speech.
8. Acceptance Speech by Presidential Candidate: Immediately after the selection of the Democratic nominee for President, the Permanent Chair shall invite the nominee to deliver an acceptance speech to the Convention.
  9. Nomination for the Democratic Candidate for Vice President: The selection of a nominee for the Office of Vice President of the United States shall be conducted in the same manner as that heretofore provided for the selection of the nominee for President of the United States except that a request to nominate must be delivered to the Convention Secretary at a location as specified by the Secretary not later than 9:00 a.m. of the day designated for the commencement of Vice Presidential nominations.
  10. Roll Call Ballot for Vice Presidential Candidate:
    - a. After nominations for Vice Presidential candidates have closed, the Convention shall proceed to a roll call vote by states on the selection of the Vice Presidential candidate. The roll call voting procedure shall be conducted in the same manner as that heretofore provided for the selection of the nominee for President of the United States.
    - b. A majority vote of the Convention's delegates shall be required to select the Vice Presidential candidate. Delegates may vote for the candidate of their choice whether or not the name of such candidate was placed in nomination. Balloting will continue until after a nominee is selected.
  11. Acceptance Speech by Vice Presidential Candidate: Immediately after the selection of the Democratic nominee for Vice President, the Permanent Chair shall invite the nominee to deliver an acceptance speech to the Convention. The nominee shall become the candidate of the Democratic Party of the United States for the office of Vice President upon completion of his or her acceptance speech to the Convention.
- D. Special Orders of Business: It shall be in order at any time for the Rules Committee at the request of the Chair of the Convention, or pursuant to its rules, to report a resolution providing a special order of business for debate of any resolution, motion, committee report or minority report or for the consideration of any matter.
  - E. Powers and Duties of the Chair:
    1. It shall be the responsibility of the Chair to conduct and expedite the business of the Convention and to preserve order and decorum in its proceedings.
    2. The Chair is authorized to appoint such Convention officers as may be required to assist in the conduct of the business

## 2012 Call for the Democratic National Convention

---

of the Convention, such officers to be composed equally of men and women; to appoint any delegate temporarily to perform the duties of the Chair; and to take such lawful action as may be necessary and appropriate to preserve order throughout the Convention Hall; and to take any other actions consistent with the Charter and the Bylaws of the Democratic Party of the United States and this Call.

### F. Voting:

1. Secret Ballot: No secret ballots shall be permitted at any stage of the Convention or its committee proceedings.
2. Proxy Voting: Neither delegate nor alternate delegate votes may be cast by proxy.
3. Roll Call Votes:
  - a. Voting shall be by voice vote or, when prescribed by these rules, by roll call vote. The roll call voting shall follow the order as specified in Article VIII.C.7.a. A roll call vote shall also be had if the Chair is in doubt or upon demand of any delegate supported by twenty percent (20%) of the Convention's delegates as evidenced by one of the following methods:
    - (1) A petition submitted to the Chair indicating support of the demand by delegations which comprise not less than twenty percent (20%) of the Convention's delegates. In the case of the petition in support of a demand for a roll call vote, a delegation shall be taken to support the demand if a majority of its delegates have signed a petition to do so.

- (2) By the rising in support of the demand by not less than twenty percent (20%) of the delegates present.

- b. When a roll call vote is ordered, the roll call shall be called by states, and the Chair of each delegation or his or her designee shall report the vote of his or her delegation and shall send to the Convention Secretary a tally showing the vote of each member of his or her delegation indicating whether such vote was cast in person or by an alternate. Such roll call votes may be conducted by having the Chair for each delegation report by telephone, or electronic voting mechanism, the vote of his or her delegation to the rostrum, provided that the telephone poll shall not be used in the balloting for the Presidential and Vice Presidential nominees. Business shall be permitted to proceed during the telephone roll call and votes may be conducted by electronic mechanism. After each official vote, the Delegation Chair shall record and tally votes of the delegation on official roll call tally sheets provided by the Convention Secretary. All official roll call tally sheets shall be turned in to the Convention Secretary at a specified location not more than thirty (30) minutes after the close of each voting period.
- c. All delegates to the National Convention pledged to a presidential candidate shall in all good conscience reflect the sentiments of those who elected them.
- d. In the case where a pledged delegate is not on the floor of the Convention Hall at the time a vote is taken, an alternate may be designated

## 2012 Call for the Democratic National Convention

---

- according to the rules to cast the vote. In no case may an alternate cast a vote for a delegate allocated under I.F., I.G., I.H. or I.I. of this Call.
- e. On a roll call vote by states, the vote cast on behalf of a delegation may be challenged by communication to the Convention Secretary by telephone or other means by any voting member of that state's delegation within ten (10) minutes after the Convention Secretary's announcement of the state's vote. The votes of that delegation shall then be recorded as polled without regard to any state law, party rule, resolution or instruction binding the delegation or any member thereof to vote for or against any candidate or proposition. The Convention Chair may send a parliamentarian to the delegation to conduct the poll. At the discretion of the Convention Chair, the roll call may continue instead of waiting for the result of the polling.
  - f. On a roll call vote conducted by telephone or other electronic voting mechanism, the vote of a delegation as shown on the video projection system may be challenged by communication to the Convention Secretary by telephone or other means by any voting member of the delegation within ten (10) minutes after the delegation's vote is shown on the screen.
  - g. A demand to poll a delegation may be withdrawn at any time before the actual polling has begun.
4. Interruption of Vote: When the question has been put, the vote thereon may not be interrupted for any purpose other than a demand for a roll call vote or a point of order directed to the conduct of the vote.
    5. Determination of Question: Except as otherwise provided in these rules, all questions, including the question of nominations of candidates for President and Vice President of the United States, shall be determined by a majority vote of the delegates to the Convention.
  - G. Filling a Vacancy on the National Ticket: In the event of death, resignation or disability of a nominee of the Party for President or Vice President after the adjournment of the National Convention, the National Chairperson of the Democratic National Committee shall confer with the Democratic leadership of the United States Congress and the Democratic Governors Association and shall report to the Democratic National Committee, which is authorized to fill the vacancy or vacancies.
  - H. Interpretation of the Rules: In interpreting the rules, the Chair may have recourse to the ruling of Chairs of previous Democratic Conventions, to the precedents of the United States House of Representatives and to general parliamentary law.
  - I. Appeals:
    1. The Chair shall decide all questions of order subject to an appeal by any delegate which may be debated for not more than ten (10) minutes, the time to be equally divided between the delegate appealing the ruling and a delegate in favor of sustaining the ruling of the Chair; provided that an appeal shall not be in order while another appeal is pending or from decisions on recognition or from decisions on dilatoriness of motions or during a roll call vote or on a question on which an appeal has just been decided or, when in the opinion of the Chair, such appeal is clearly dilatory.
    2. Before the question is put on any appeal, the Chair shall be entitled to state briefly the reasons for the ruling being appealed.

## 2012 Call for the Democratic National Convention

---

- J. Motion to Suspend the Rules: The Chair shall entertain a motion to suspend the rules, which shall be decided without debate and which shall require a vote of two thirds (2/3) of the delegates voting, a quorum being present.
- K. Motion:
1. No question of privilege or any motion other than those provided under these rules shall be entertained, except the motion to recess (to a time certain or at the call of the Chair), which shall be privileged, and the motion to adjourn, which shall be the highest privilege.
  2. Motions to adjourn or to recess shall be in order at any time except when the question has been put or a vote is in progress and shall be decided without debate. The Chair shall not entertain a motion to adjourn or recess when such motion closely follows another such motion if in the opinion of the Chair such motion is dilatory.
- L. Amendments: No amendments to resolutions or motions before the Convention shall be permitted, except amendments to standing committee reports or resolutions offered at the direction of the standing committee or in a minority report of that standing committee; provided that no motion or proposition on a subject different from that under consideration shall be admitted in the form of such an amendment.
- M. Minority Reports: Minority reports of committees shall not be considered unless adopted in writing by members representing at least twenty percent (20%) of the total votes of a committee. A minority report may be withdrawn at any time prior to or during the Convention. A minority report shall be deemed to be withdrawn when support for the report falls below the number of members representing twenty percent (20%) of the total votes of the standing committee as evidenced by the written withdrawal of support by proponents of the report. A committee member may withdraw his or her support for a minority report by written notice to the Secretary of the Democratic National Committee.
- N. Responsibility: By participating in the Democratic National Convention, each delegate assumes the responsibility for doing all within his or her power to assure that voters of his or her state will have the opportunity to cast their election ballots for the Presidential and Vice Presidential nominees selected by the Convention or, should a vacancy arise, pursuant to Article VIII.G. of these rules, and expressly agrees that he or she will not publicly support or campaign for any candidate for President or Vice President other than the nominees of the Democratic National Convention, or, should a vacancy arise, the nominee(s) selected pursuant to Article VIII.G.
- O. Debate: Unless otherwise provided in these rules or in a resolution providing for a special order of business, debate on any question shall be limited to a total of twenty (20) minutes and shall be equally divided between proponents and opponents unless they and the Chair agree upon an additional or lesser amount of time.
- P. Quorum: A majority of the delegates to the Convention shall constitute a quorum thereof for the purpose of transacting business. Upon a point of order of no quorum being made, the Chair shall ascertain the presence or absence of a quorum by visual estimation and shall not proceed until a quorum is present; provided that a motion to adjourn may be offered and voted upon without a quorum present.
- Q. References to the "Chair": All references to the authority and responsibilities of the "Chair" shall pertain to the Temporary Chair, the Permanent Chair, the Co-Chairs and any other person assuming the duties of the Chair as appropriate during the Convention.

## 2012 Call for the Democratic National Convention

---

- R. Equal Division: The Charter of the Democratic Party of the United States provides that the National Convention shall be composed of delegates and alternates equally divided between men and women. This Call, in compliance with the Charter, and pursuant to Rule 6.C. of the 2012 Delegate Selection Rules, mandates that delegates and alternates from each state and jurisdiction shall be equally divided between men and women with a variance of no more than one (1).
- S. Non-Discrimination: Discrimination on the basis of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, economic status or physical disability in the conduct of Democratic Party affairs is prohibited.
- T. Territories: The term “territories” shall refer to American Samoa, Democrats Abroad, Guam and the Virgin Islands in this Call.
- U. Journal of Proceedings:
1. A record of all actions taken each day by the Convention shall be printed and made available to all delegates and alternates the following day by the Convention Secretary.
  2. The Secretary of the Democratic National Committee will provide a journal of the full proceedings of the Convention, which shall be printed within the year following the Convention.



# APPENDIX A

## Relationship Between the 2012 Rules of Procedure of the Credentials Committee and the 2012 Delegate Selection Rules

Under Rule 20.B. of the 2012 Delegate Selection Rules, the Rules and Bylaws Committee has jurisdiction over challenges pertaining to the submission, non-implementation and violation of state Delegate Selection Plans, Affirmative Action Plans, and Inclusion Programs. The following “Rules of Procedure of the Credentials Committee of the 2012 Democratic National Convention” describes the procedure for considering challenges once the Credentials Committee assumes responsibility for the challenge process as otherwise described in Rule 20.B.

All delegates and alternates to the 2012 Democratic National Convention shall be selected in accordance with the 2012 Delegate Selection Rules and the 2012 Call. Only delegates and alternates selected under a delegate selection system approved by the DNC Rules and Bylaws Committee pursuant to the 2012 Delegate Selection Rules shall be placed on the Temporary Roll of the 2012 Democratic National Convention.

All challenges to the credentials of delegates and alternates to the 2012 Democratic National Convention shall be processed in accordance with the “Rules of Procedure of the Credentials Committee of the 2012 Democratic National Convention.”

## Rules of Procedure of the Credentials Committee of the 2012 Democratic National Convention

### 1. Jurisdiction of the Credentials Committee

The Credentials Committee shall have jurisdiction to hear and decide:

- A. Any challenge brought before the DNC Rules and Bylaws Committee and not resolved before the 56th calendar day preceding the date of commencement of the Democratic National Convention; and,
  - B. Any challenge alleging:
    1. Failure to implement a final order of the DNC Rules and Bylaws Committee; or
    2. Failure to implement a plan approved by the DNC Rules and Bylaws Committee, if such challenge is initiated on or after the 56th day preceding the date of commencement of the Democratic National Convention, except with regard to Rule 19.E. of the Delegate Selection Rules.
- ### 2. Parties
- A. Challenging Parties: A challenge to the credentials of any delegate or alternate to the 2012 Democratic National Convention shall be brought by at least fifteen (15) Democrats who are residents of the state and level at which delegates to the National Convention are elected in which the challenge arises, and who fulfill (1), or if there is no Democratic Party enrollment or registration in the state, then either (2) or (3) below:

## 2012 Call for the Democratic National Convention

---

1. Registration or enrollment as Democrats in those states which employ such procedures. Persons not registered to vote or persons registered as unaffiliated voters or enrolled as members of other parties or as independents shall not have standing to bring a challenge.
  2. Participation in Democratic Party affairs. Persons who have participated in the affairs of another political party during the preceding 12-month period shall not have standing to bring a challenge. Participation in a party's affairs shall include, but not be limited to, voting in the immediately preceding primary of that political party.
  3. Any person who lacks standing under paragraphs (1) and (2) and who demonstrates that he or she attempted to participate in the affairs of the Democratic Party in good faith shall have standing to challenge.
  4. Each challenge shall include a statement indicating that each challenger subscribes to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States. Each challenger must have been personally injured with respect to his or her participation in the delegate selection process by any violation complained of or shall be so situated that he or she clearly will be personally injured by such violation.
- B. Challenged Parties:
1. Where delegates or alternates to the Convention have been selected from the level at which delegates to the National Convention are elected in which the challenge arises, the challenged party or parties shall be a delegate or alternate or a group of delegates or alternates or the entire delegation from that level.
  2. Where delegates or alternates to the Convention have not yet been selected from the level at which delegates to the National Convention are elected in which the challenge arises, the challenged party shall be the Democratic Party organization responsible for that level; provided that where any state law or state party rule, regulation, decision or other state party action or omission is challenged, the State Democratic Party shall also be named as a challenged party. If during the tendency of the challenge, any delegate(s) or alternate(s) to the Convention are selected from the level involved, such delegate(s) or alternate(s) shall be joined as challenged parties if any relief with respect to their credentials at the Convention is sought.
  3. The State Democratic Party shall be joined as a challenged party if a challenged party so requests.
- C. Intervening Parties:
1. A State Democratic Party may intervene as of right in any challenge proceeding for the purpose of protecting any interest it may have with respect to that proceeding.
  2. A presidential candidate may intervene as of right in any challenge proceeding for the purpose of protecting any interest he or she may have with respect to that proceeding.
  3. For good cause shown, any other person having standing under Section 2.A. may be permitted to be heard as an amicus curiae or, in appropriate circumstances, to intervene, for all or limited purposes,

## 2012 Call for the Democratic National Convention

---

by leave of the Chair of the Credentials Committee or the Hearing Officer.

### 3. Filing, Service of Documents and Computation of Time

- A. Filing: Any challenge, answer and accompanying documents to be considered in the processing of any challenge shall be filed by hand delivery (receipt to be retained), certified mail (return receipt requested), or by an overnight delivery service (signature required) to: Chair, 2012 Convention Credentials Committee, c/o Democratic National Committee, 430 South Capitol Street, S.E., Washington, DC 20003 with a copy to the Chair of the Democratic Party of the state in which the challenge arises. The original and a copy of each document shall be filed. Filing shall be deemed complete upon receipt, or in the case of hand delivery, upon delivery.
- B. Service: Any document filed in any proceeding pursuant to these rules shall be served at the same time by the filing party upon all other parties to the proceeding, with a copy to the Chair of the Democratic Party of the state in which the challenge arises. Service shall be made by hand delivery (receipt to be obtained), certified mail (return receipt requested), or an overnight delivery service (signature required) to each party or his or her attorney, if any. Any document filed pursuant to these rules shall be accompanied by a certificate of service signed by the filing party or by his or her attorney, if any. Service shall be deemed complete, in the case of hand-delivery, on the date of receipt by the served party or, in the case of service by certified mail or an overnight delivery service, on the first business day on which delivery is attempted.

### C. Time:

1. In computing any period of time prescribed by these rules, the day of the act or event from which the designated period of time begins to run shall not be included. Weekends and holidays shall be included.
2. The Chair(s) of the Credentials Committee shall have authority for good cause, on application or sua sponte, to enlarge or shorten any period of time prescribed by these rules. An extension of time shall be granted only when compelling need is shown.

### 4. Challenges

- A. A credentials challenge shall be commenced by the filing of a written challenge not later than:
1. Fifteen (15) calendar days after the violation occurred, or
  2. Fifteen (15) calendar days after the selection of any delegate or alternate whose credentials to the Democratic National Convention are to be put in issue, whichever occurs first. The challenging parties shall, within the period provided by the State Democratic Party in its Delegate Selection Plan, invoke, and shall thereafter exhaust, the remedies provided by State Democratic Party procedures for the violations alleged.
- B. The challenge shall be verified by the notarized signature of each challenging party, and shall include the following:
1. The name, address and telephone number of each challenging party and allegations of fact fulfilling the requirements of Section 2.A.; and the name, address and telephone number

## 2012 Call for the Democratic National Convention

---

of each challenging party's attorney or other representative authorized to receive documents on behalf of the challenger.

2. The name, address and telephone number of each delegate or alternate whose credentials are challenged, or a statement that such information is unavailable to the challenging parties; or, where delegates or alternates have not yet been selected, the name, address and telephone number of each challenged party.
3. An identification of the state and level at which delegates to the National Convention are elected in which the challenge arises.
4. A plain, concise and specific statement of each violation of a state delegate selection plan approved by the DNC Rules and Bylaws Committee, or of a final order of the DNC Rules and Bylaws Committee; or a statement that the state does not have an approved delegate selection plan.
5. A plain, concise and specific statement of how each challenging party has been injured with respect to his or her participation in the delegate selection process by each alleged violation.
6. A plain, concise and specific statement of the remedies each challenging party has invoked with respect to each alleged violation before filing a credentials challenge with the Credentials Committee, and a statement of the expected length of time for exhaustion of the state party procedures.
7. A plain, concise and specific statement of the relief requested and the reason therefore. If a challenging

party proposes that he or she be seated in the state's delegation, the challenge shall include a plain, concise and specific statement of the reasons why that party has a right to be seated, superior to that of the delegate or alternate whose seat he or she seeks; and a plain, concise and specific statement of how the challenging party has complied with all applicable laws, rules and regulations and has participated in the delegate selection process.

- C. The challenge shall be accompanied by the following documents:
  1. A plain, concise and specific statement that contains, by separately numbered paragraphs, each violation alleged and each form of relief sought.
  2. A list of the name, address and telephone number of each witness who is likely to be called to testify in support of the challenge.
  3. A list of the documents likely to be offered in support of the challenge, together with copies of those documents.
5. Answer
  - A. Within ten (10) calendar days after service of a challenge, each challenged party shall file a written answer, verified by the notarized signature of each challenged party, including the following:
    1. The name, address and telephone number of each challenged party and the name, address and telephone number of his or her attorney or other representative authorized to receive documents on behalf of the challenged party.

## 2012 Call for the Democratic National Convention

---

2. A statement as to whether the standing under Section 2.A. of the challenging parties is in dispute.
  3. A response to the challenge, separately admitting or denying each statement therein, or stating that the challenged party is without sufficient information to admit or deny. A response to a statement shall fairly meet its substance, admitting those parts that are true and denying those parts that are false.
  4. A plain, concise and specific statement of each and every affirmative defense to the alleged violations.
  5. A plain, concise and specific statement of any other reasons why the challenged party should prevail.
- B. The answer shall be accompanied by the following documents:
1. A plain, concise and specific statement that contains, by reference to each numbered paragraph of the challenging statement required by Section 4.C.1., a response to each alleged violation or request for relief. A response to a proposition shall fairly meet its substance, admitting those parts that are true and denying those parts that are false. Wherever a proposition is denied in whole or in part, the proposition supported by the challenged party on that point shall be stated.
  2. A list of the name, address and telephone number of each witness who is likely to be called in opposition to the challenge.
  3. A list of the documents likely to be offered in opposition to the challenge, together with copies of those documents.
- C. Challenged parties may consolidate their answers.
6. Dismissal and Decision on the Pleadings
    - A. Dismissal:
      1. The Chair of the Credentials Committee shall dismiss any challenge, or part of a challenge, which does not fall within the jurisdiction of the Credentials Committee.
      2. If a state party has adopted and implemented an approved affirmative action program, the Chair shall dismiss any challenge, or part of a challenge, which is based solely on composition of the Convention delegation, except in the case of a challenge based upon the failure to achieve equal division.
      3. The Chair shall have authority to dismiss any challenge which is brought by persons lacking standing under Section 2.A., or which otherwise fails to comply substantially with these rules, or which is otherwise manifestly insufficient.
      4. Any dismissal shall be accompanied by a written opinion by the Chair.
    - B. Decision on the Pleadings: The Chair of the Credentials Committee shall have authority to make a decision on the pleadings where it is plain from the challenge and the answer, together with the documents accompanying those pleadings, that there is no genuine issue of material fact between the parties. Any decision on the pleadings shall be accompanied by a written opinion by the Chair.

## 2012 Call for the Democratic National Convention

---

- C. Review of Dismissal or Decision on the Pleadings: Within five (5) calendar days after service of a notice of the entry of a dismissal under Section 6.A. or under Section 1.B., an aggrieved party may file a Petition for Review by the Credentials Committee stating the objections to the Chair's action, and may file a brief. Within five (5) calendar days after service of the petition, any other party may file a brief. Consideration of the challenge by the Credentials Committee shall proceed as in other cases, except that the challenge shall be given precedence on the committee's docket.
7. Decision of State Party Body
- A. The Chair(s) of the Credentials Committee may defer, for such period as is appropriate, proceedings on a challenge in order to give time for the consideration of any challenge or other related matter under State Democratic Party procedures. The deferral period shall not be so long as to interfere with the processing and consideration of the challenge by the Credentials Committee if that should prove necessary.
- B. The State Democratic Party body may take such action with respect to the challenge or other related matter as it is authorized to take under state law and state party rules.
- C. After a decision by a state party body on a challenge or other related matter, any party to the challenge pending before the Credentials Committee may request the Committee to process the challenge and the Committee shall do so. The party making the request shall file any written decision or order made with respect to the challenge by the state party body. The decision of the state party body shall be given such weight as the Credentials Committee finds warranted in the circumstances.
- D. Records of proceedings conducted by the state party body with respect to the challenge or other related matter, and other papers relating to the state party proceedings, shall be admissible in Credentials Committee proceedings on the challenge.
8. Hearing
- A. With respect to any challenge or part of a challenge not dismissed or decided on the pleadings under Section 6., an open and public hearing shall be held on the specific factual and legal matters in dispute. An electronic or stenographic recording or clerical notes shall be made of the proceedings at any such hearing.
- B. The hearing shall be held in Washington, D.C. unless the Chair(s) of the Credentials Committee determines that in the interest of justice it should be held elsewhere.
- C. The hearing shall be conducted by a Hearing Officer appointed by the Chair(s) of the Credentials Committee. The Hearing Officer shall be a Democrat, neutral in the context of the challenge, experienced in the law, known by reputation to be fair and shall not be involved in or identified with any presidential campaign or any group promoting or opposing credentials challenges. The Chair(s) shall make a reasonable effort to secure the agreement of the parties to the Hearing Officer.
- D. The Hearing Officer shall have all power necessary to conduct the hearing in such manner, consistent with these rules, as to secure the just, speedy and inexpensive determination of the challenge, including the right to require the parties to participate in a pre-hearing conference.
- E. Prior to the commencement of the hearing, the Hearing Officer shall announce a ruling identifying, on the

- basis of the papers filed in the challenge and any pre-hearing conference, the specific issues in dispute. The Hearing Officer shall have power to rule that on certain issues only documentary evidence shall be received. Any party objecting to a ruling under this paragraph may make a proffer of the evidence that would have been presented but for the ruling.
- F. The Hearing Officer shall hear the evidence, dispose of procedural requests and similar matters and, to the extent possible, obtain stipulations of the parties as to the facts of the challenge.
- G. A challenging party shall have the burden of proof by clear and convincing evidence on all factual issues necessary to the challenge, except that the burden of proof shall rest with the challenged party in the case of:
1. any unresolved challenges to a state's affirmative action program filed thirty (30) days or more prior to the initiation of the state's delegate selection process other than a challenge made on the basis of non-implementation of a specific requirement of a state plan; and,
  2. any challenge for failure to submit and implement an approved affirmative action program by the deadline specified in the Delegate Selection Rules.
- H. The Hearing Officer shall have authority to receive all competent evidence relevant to the specific matters in issue and to assign to it appropriate weight.
- I. The Hearing Officer shall have authority to order for good cause, on application or sua sponte, that a party produce at the hearing designated evidence in the interest of justice. Where a party fails to produce such evidence, the Hearing Officer may make findings of fact adverse to the party on all issues to which the evidence would have been material.
- J. Subject to any ruling under Section 8.E., each party shall have the right to present competent oral and documentary evidence relevant to the specific matters in issue and to conduct cross-examination.
- K. The Hearing Officer may require parties to consolidate their challenges or defenses for purposes of the hearing.
- L. The Hearing Officer shall make and file a written report to the Credentials Committee, which shall include findings of fact, conclusions of law and a recommendation for disposition of the challenge. The reports shall be served on all parties to the challenge.
- M. Any transcript or other papers in the record from any proceedings before the DNC Rules and Bylaws Committee shall be part of the record.
9. Consideration by the Credentials Committee
- A. The Credentials Committee shall begin meeting at the call of the Chair(s) in Washington, D.C., or elsewhere at the call of the Chair(s), to hear challenges. No later than thirty (30) days before the first meeting of the Credentials Committee, written notice of the date, time, place, and the tentative agenda of such meeting shall be sent to all members of the Credentials Committee. A special or emergency meeting of the Credentials Committee may be held upon call of the Chair(s) of the Credentials Committee with reasonable notice to the members.
- B. All meetings of the Credentials Committee shall be open to the public; provided that the Chair(s) of the Committee shall exclude from the

specific area where the committee is conducting its business all persons whose presence in that area is not required for the proper conduct of the business.

- C. Request for hearing by Full Committee: Within two (2) days after service of the Hearing Officer's report, an aggrieved party may file a written Petition for Review by the Credentials Committee. The petition shall contain a plain, concise and specific statement of the reasons for appeal and the procedural and/or substantive errors claimed by the petitioner.

D. Briefs:

1. Within three (3) calendar days after filing the Petition for Review, the petitioner for review may file a brief.
2. Within three (3) calendar days after service of the petitioner's brief, a respondent may file a brief.
3. Any party filing a brief shall file as many copies as there are members of the committee, plus ten (10) copies for the Chair(s) and staff of the committee.

E. Argument:

1. Each side of a challenge shall be entitled to present oral argument before the Committee for a period determined by the Chair(s) of the committee, generally not to exceed fifteen (15) minutes.
2. The Chair(s) of the committee may require parties to consolidate or separate their challenges or defense for purposes of oral argument.
3. The Chair(s) of the committee shall notify the parties of the time and place of oral argument.

F. Resolutions:

1. All proposed resolutions relating to the disposition of a credentials challenge shall be in writing and signed by the proponent and at least one (1) second. Proposed resolutions relating to the seating or unseating of delegates or alternates shall be seconded in writing by at least seven (7) members, no more than two (2) of whom may be members elected by the delegation from the same state as the proponent of the resolution.
2. All proposed resolutions relating to the disposition of a credentials challenge shall be framed so as to be dispositive of the entire challenge and, to that end, shall be specific in stating the action recommended to be taken by the Convention.
3. Following the submission of all proposed resolutions to the Chair(s), the resolution having the largest number of signed seconds shall become the pending order of business. Twenty (20) minutes of debate shall be allotted to each proposed resolution, equally divided between the proponents and the opponents. At the conclusion of the debate, the resolution shall be put to a vote. In the event the resolution is not adopted, the proposed resolution having the next largest number of signed seconds shall become the pending order of business, and so on until the challenge is disposed.
4. No amendment to any proposed resolution shall be permitted, except with the consent of the proponent, and no resolution or propositions on a subject different from that under consideration shall be admitted in the form of such an amendment.



## 2012 Call for the Democratic National Convention

---

G. Presidential Preference of Delegation: Except where the issue is the expressed presidential preference of the level at which delegates to the National Convention are elected represented by the challenged delegates, any remedy for a violation shall fairly reflect the expressed presidential preference of that level.

H. Voting: A member of the Credentials Committee elected by a state delegation shall not vote on a challenge arising in that state. All matters shall be determined by a majority vote of those present and voting, a quorum of the full Committee being present. A quorum shall consist of members present in person representing a majority of the total number of committee votes entitled to be counted in the matter.

I. Proxies: Proxy voting shall be prohibited.

### 10. Committee Report

The Report of the Credentials Committee shall be distributed to all delegates, alternates and the public as soon as practicable after its adoption.

### 11. Minority Reports

Upon the request of members representing at least twenty percent (20%) of the total votes of the Credentials Committee, a minority report shall be prepared for distribution to all Convention delegates, alternates and the public as part of the Committee's report. This minority report shall be distributed at the same time the Credentials Committee Report is distributed. No member elected to the committee by a state delegation may join in such request as to a proposed minority report relating to a credentials challenge to any delegate from his or her state. The committee staff shall assist in the preparation of such report.

### 12. Record

A. The official record of any proceedings under these rules shall be maintained in the office at the Democratic National Committee in Washington, D.C. and shall be open and available for public inspection and duplication at reasonable times.

B. All meetings of the full Credentials Committee shall be transcribed.

### 13. Interpretation and Waiver of Rules and Provision for Special Rules

A. These rules shall be interpreted and applied in the interests of justice and fairness to all parties, speed and economy. To serve these interests, and for good cause, on application or sua sponte, the Chair(s) of the committee shall have the authority to waive any provision of these rules other than Sections 1.B. and Section 5.

B. In the case of any challenge filed on or after the 56th calendar day before the convention begins, the Chair(s) may shorten the time periods specified in these rules for processing the challenge, including the time to file documents and conduct hearings, as the interests of justice and the orderly disposition of challenges dictate; provided, however, that in any event:

1. The challenge and accompanying papers shall be filed not later than three (3) days after the occurrence of the violation alleged.
2. The answer and accompanying papers shall be filed not later than three (3) days after service of the challenge.



# Appendix B

## 2012 DEMOCRATIC NATIONAL CONVENTION DELEGATE / ALTERNATE ALLOCATION

(As adopted by the Democratic National Committee at its meeting August 20, 2010.)

As of December 15, 2010  
Page 31

State	Allocation Factor <i>(AF x 3,700 = # of Base Delegates)</i>	Pledged Delegate Votes				Total Pledged Delegate Votes	Unpledged Delegate Votes				Total Unpledged Delegate Votes	Total Delegate Votes	Total # of Delegates	Alternates	Delegation Size
		Allocated Base Delegates			Party Ldrs & Elected Officials <i>(15% Add-on)</i>		Dem. Nat'l Comm. Members <i>(a)</i>	Dem. Members of Congress <i>(b)</i>	Dem. Governors <i>(c)</i>	Distinguished Party Leaders <i>(d)</i>					
		Total Base Delegates	District Level+ <i>(75% of Base)</i>	At-Large+ <i>(25% of Base)</i>											
AL	0.014499	55	41	14	8	63	5	1	0	0	6	69	69	5	74
AK	0.003663	15	11	4	2	17	4	1	0	0	5	22	22	2	24
American Samoa	0.000000	6	0	6	0	6	2	1	1	0	4	10	12	1	13
AZ	0.016581	61	46	15	9	70	6	3	0	0	9	79	79	6	85
AR	0.009239	35	26	9	5	40	5	2	1	0	8	48	48	3	51
CA	0.109338	405	304	101	61	466	33	32	1	1	67	533	533	39	572
CO	0.016809	63	47	16	9	72	7	5	1	1	14	86	86	6	92
CT	0.013955	52	39	13	8	60	7	6	1	1	15	75	75	5	80
DE	0.004561	17	13	4	3	20	5	2	0	1	8	28	28	2	30
Dems. Abroad	0.000000	12	0	12	1	13	4	0	0	0	4	17	21	1	22
DC	0.004519	17	13	4	3	20	17	1	1	0	19	39	39	2	41
FL	0.055145	204	153	51	31	235	16	6	0	1	23	258	258	20	278
GA	0.026004	96	72	24	14	110	8	5	0	1	14	124	124	9	133
Guam	0.000000	6	0	6	0	6	2	1	0	0	3	9	11	1	12
HI	0.005845	23	17	6	3	26	4	4	1	0	9	35	35	2	37
ID	0.005268	19	14	5	3	22	4	0	0	0	4	26	26	2	28
IL	0.044334	164	123	41	25	189	14	9	1	1	25	214	214	16	230
IN	0.019271	71	53	18	11	82	6	3	0	1	10	92	92	7	99

# Appendix B

## 2012 DEMOCRATIC NATIONAL CONVENTION DELEGATE / ALTERNATE ALLOCATION

(As adopted by the Democratic National Committee at its meeting August 20, 2010.)

As of December 15, 2010  
Page 31

State	Allocation Factor <small>(AF x 3,700 = # of Base Delegates)</small>	Pledged Delegate Votes				Total Pledged Delegate Votes	Unpledged Delegate Votes				Total Unpledged Delegate Votes	Total Delegate Votes	Total # of Delegates	Alternates	Delegation Size
		Allocated Base Delegates			Party Ldrs & Elected Officials <small>(15% Add-on)</small>		Dem. Nat'l Comm. Members <small>(a)</small>	Dem. Members of Congress <small>(b)</small>	Dem. Governors <small>(c)</small>	Distinguished Party Leaders <small>(d)</small>					
		Total Base Delegates	District Level+ <small>(75% of Base)</small>	At-Large+ <small>(25% of Base)</small>											
IA	0.012666	47	35	12	7	54	7	4	0	0	11	65	65	5	70
KS	0.009338	35	26	9	5	40	4	0	0	0	4	44	44	3	47
KY	0.013300	49	37	12	7	56	4	2	1	0	7	63	63	5	68
LA	0.015044	56	42	14	8	64	5	2	0	0	7	71	71	5	76
ME	0.006893	27	20	7	4	31	4	2	0	0	6	37	37	3	40
MD	0.020748	77	58	19	12	89	15	8	0	0	23	112	112	7	119
MA	0.025998	96	72	24	14	110	10	11	1	3	25	135	135	9	144
MI	0.036773	136	102	34	20	156	14	7	0	0	21	177	177	13	190
MN	0.020967	79	59	20	12	91	7	6	1	1	15	106	106	8	114
MS	0.009528	35	26	9	5	40	4	1	0	0	5	45	45	3	48
MO	0.020853	77	58	19	12	89	7	4	1	1	13	102	102	7	109
MT	0.004301	16	12	4	2	18	4	2	1	0	7	25	25	2	27
NE	0.006932	27	20	7	4	31	5	1	0	0	6	37	37	3	40
NV	0.008023	31	23	8	5	36	8	1	0	0	9	45	45	3	48
NH	0.006483	24	18	6	4	28	5	1	1	0	7	35	35	2	37
NJ	0.030435	113	85	28	17	130	9	9	0	0	18	148	148	11	159
NM	0.007798	29	22	7	4	33	6	4	0	1	11	44	44	3	47
NY	0.065149	241	181	60	36	277	21	22	1	2	46	323	323	23	346

# Appendix B

## 2012 DEMOCRATIC NATIONAL CONVENTION DELEGATE / ALTERNATE ALLOCATION

(As adopted by the Democratic National Committee at its meeting August 20, 2010.)

As of December 15, 2010  
Page 31

State	Allocation Factor <i>(AF x 3,700 = # of Base Delegates)</i>	Pledged Delegate Votes				Total Pledged Delegate Votes	Unpledged Delegate Votes				Total Unpledged Delegate Votes	Total Delegate Votes	Total # of Delegates	Alternates	Delegation Size
		Allocated Base Delegates			Party Ldrs & Elected Officials <i>(15% Add-on)</i>		Dem. Nat'l Comm. Members <i>(a)</i>	Dem. Members of Congress <i>(b)</i>	Dem. Governors <i>(c)</i>	Distinguished Party Leaders <i>(d)</i>					
		Total Base Delegates	District Level+ <i>(75% of Base)</i>	At-Large+ <i>(25% of Base)</i>											
NC	0.027676	103	77	26	15	118	9	8	1	0	18	136	136	10	146
ND	0.003757	15	11	4	2	17	4	1	0	0	5	22	22	2	24
OH	0.040498	151	113	38	23	174	10	6	0	1	17	191	191	15	206
OK	0.010634	39	29	10	6	45	4	1	0	0	5	50	50	4	54
OR	0.014036	52	39	13	8	60	7	6	1	0	14	74	74	5	79
PA	0.043776	163	122	41	24	187	16	8	0	1	25	212	212	16	228
PR	0.000000	44	33	11	7	51	6	1	0	0	7	58	58	4	62
RI	0.005964	23	17	6	3	26	5	4	0	0	9	35	35	2	37
SC	0.013263	49	37	12	7	56	5	1	0	0	6	62	62	5	67
SD	0.004012	15	11	4	2	17	5	1	0	1	7	24	24	2	26
TN	0.018882	71	53	18	11	82	6	2	0	1	9	91	91	7	98
TX	0.056122	208	156	52	31	239	18	9	0	2	29	268	268	20	288
UT	0.006799	25	19	6	4	29	4	1	0	0	5	34	34	2	36
VT	0.004328	16	12	4	2	18	5	2	1	1	9	27	27	2	29
Virgin Islands	0.000000	6	0	6	0	6	2	1	1	0	4	10	12	1	13
VA	0.024996	92	69	23	14	106	11	5	0	1	17	123	123	9	132
WA	0.022795	84	63	21	13	97	8	7	0	1	16	113	113	8	121
WV	0.007228	27	20	7	4	31	6	3	1	0	10	41	41	3	44

# Appendix B

## 2012 DEMOCRATIC NATIONAL CONVENTION DELEGATE / ALTERNATE ALLOCATION

(As adopted by the Democratic National Committee at its meeting August 20, 2010.)

As of December 15, 2010  
Page 31

State	Allocation Factor <small>(AF x 3,700 = # of Base Delegates)</small>	Pledged Delegate Votes				Total Pledged Delegate Votes	Unpledged Delegate Votes				Total Unpledged Delegate Votes	Total Delegate Votes	Total # of Delegates	Alternates	Delegation Size
		Allocated Base Delegates			Party Ldrs & Elected Officials <small>(15% Add-on)</small>		Dem. Nat'l Comm. Members <small>(a)</small>	Dem. Members of Congress <small>(b)</small>	Dem. Governors <small>(c)</small>	Distinguished Party Leaders <small>(d)</small>					
		Total Base Delegates	District Level+ <small>(75% of Base)</small>	At-Large+ <small>(25% of Base)</small>											
WI	0.021589	80	60	20	12	92	7	4	0	0	11	103	103	8	111
WY	0.003385	13	10	3	2	15	4	0	0	0	4	19	19	2	21
Un-assigned	0.000000	0	0	0	0	0	6	0	0	0	6	6	6	0	6
<b>TOTAL</b>		3,792	2,819 +0	973 +0	564	4,356	436	240	20	25	721	5,077	5,087	371	5,458

### Footnotes:

- (a) Each member of the Democratic National Committee, as duly certified to the Party Secretary, is a delegate from the state or territory in which he or she legally resides at the time of the 2012 Democratic National Convention. This allocation reflects the current legal residence of all such members, including the officers and those who, pursuant to the Charter of the Democratic Party of the United States, are members by virtue of their status as Party leaders in the U.S. Congress or by virtue of their status as representatives or designees of such Party leaders or of other associations and organizations specified in the Charter. Because such members are subject to change, delegate distribution at the Convention may differ from that set forth above. In addition, the DNC member allocation set forth above reflects the number of votes (not the number of delegates) added to the delegation from each state or territory to take into account such members. Because of fractional votes, the number of such delegates in some states and territories may differ from the number of delegate votes allocated to such states or territories.
- (b) Members of Congress include all Democratic members of the U.S. Senate and the U.S. House of Representatives, except those Democratic members who are reflected as delegates in other categories pursuant to the rules. Democratic Members of Congress are allocated to the states based upon the residence of those members. The exact number of those delegates is subject to change due to possible deaths, resignations, elections or special elections between now and the time of the 2012 Democratic National Convention, and possible changes in the membership of the Democratic National Committee.
- (c) The allocation for Democratic Governors does not include those Democratic Governors who are members of the Democratic National Committee and serve as delegates in that capacity. This allocation for Democratic Governors is subject to change due to possible deaths, resignations, elections or special elections between now and the time of the 2012 Democratic National Convention, and possible changes in the membership of the Democratic National Committee.
- (d) Pursuant to Article I.G. of the Call for the 2012 Democratic National Convention, this category includes the Democratic U.S. President and Vice President, former Democratic U.S. Presidents and Vice Presidents, former Democratic Leaders of the U.S. Senate, former Democratic Speakers of the U.S. House of Representatives and Democratic Minority Leaders, as applicable, and former Chairs of the Democratic National Committee. This allocation for Distinguished Party Leaders is subject to change due to possible deaths, resignations, elections or special elections between now and the time of the 2012 Democratic National Convention.
- (+) Bonus delegates awarded pursuant to Article I.C. of the Call for the 2012 Democratic National Convention are indicated next to (and in addition to) a state's allocation for District Level and At-Large delegates and are included in the Total Pledged Delegates Votes for the state and the Grand Total.

## 2012 DEMOCRATIC NATIONAL CONVENTION ALLOCATION OF CONVENTION PAGES TO STATES

*(As adopted by the Democratic National Committee at its meeting August 20, 2010.)*

State	Pages	State	Pages
ALABAMA	2	NEW HAMPSHIRE	2
ALASKA	2	NEW JERSEY	4
AMERICAN SAMOA	1	NEW MEXICO	2
ARIZONA	2	NEW YORK	9
ARKANSAS	2	NORTH CAROLINA	4
CALIFORNIA	13	NORTH DAKOTA	2
COLORADO	2	OHIO	5
CONNECTICUT	2	OKLAHOMA	2
DELAWARE	2	OREGON	2
DEMOCRATS ABROAD	1	PENNSYLVANIA	6
DISTRICT OF COLUMBIA	2	PUERTO RICO	2
FLORIDA	7	RHODE ISLAND	2
GEORGIA	4	SOUTH CAROLINA	2
GUAM	1	SOUTH DAKOTA	2
HAWAII	2	TENNESSEE	2
IDAHO	2	TEXAS	7
ILLINOIS	6	UTAH	2
INDIANA	3	VERMONT	2
IOWA	2	VIRGIN ISLANDS	1
KANSAS	2	VIRGINIA	4
KENTUCKY	2	WASHINGTON	3
LOUISIANA	2	WEST VIRGINIA	2
MAINE	2	WISCONSIN	3
MARYLAND	3	WYOMING	2
MASSACHUSETTS	4	UNASSIGNED	0
MICHIGAN	5	<b>TOTAL</b>	<b>166</b>
MINNESOTA	3		
MISSISSIPPI	2		
MISSOURI	3		
MONTANA	2		
NEBRASKA	2		
NEVADA	2		





## 2012 DEMOCRATIC NATIONAL CONVENTION ALLOCATION OF STANDING COMMITTEE MEMBERS

*(As adopted by the Democratic National Committee at its meeting August 20, 2010.)*

State	Members	Votes	State	Members	Votes
ALABAMA	2	2	NEW HAMPSHIRE	1	1
ALASKA	1	1	NEW JERSEY	5	5
AMERICAN SAMOA	1	0.25	NEW MEXICO	1	1
ARIZONA	2	2	NEW YORK	10	10
ARKANSAS	1	1	NORTH CAROLINA	4	4
CALIFORNIA	17	17	NORTH DAKOTA	1	1
COLORADO	3	3	OHIO	6	6
CONNECTICUT	2	2	OKLAHOMA	2	2
DELAWARE	1	1	OREGON	2	2
DEMOCRATS ABROAD	1	0.25	PENNSYLVANIA	7	7
DISTRICT OF COLUMBIA	1	1	PUERTO RICO	2	2
FLORIDA	9	9	RHODE ISLAND	1	1
GEORGIA	4	4	SOUTH CAROLINA	2	2
GUAM	1	0.25	SOUTH DAKOTA	1	1
HAWAII	1	1	TENNESSEE	3	3
IDAHO	1	1	TEXAS	9	9
ILLINOIS	7	7	UTAH	1	1
INDIANA	3	3	VERMONT	1	1
IOWA	2	2	VIRGIN ISLANDS	1	0.25
KANSAS	1	1	VIRGINIA	4	4
KENTUCKY	2	2	WASHINGTON	3	3
LOUISIANA	2	2	WEST VIRGINIA	1	1
MAINE	1	1	WISCONSIN	3	3
MARYLAND	3	3	WYOMING	1	1
MASSACHUSETTS	4	4	UNASSIGNED		
MICHIGAN	6	6	<b>TOTALS</b>	<b>161</b>	<b>158</b>
MINNESOTA	3	3			
MISSISSIPPI	1	1			
MISSOURI	3	3			
MONTANA	1	1			
NEBRASKA	1	1			
NEVADA	1	1			



**DEMOCRATS**  
DEMOCRATIC NATIONAL COMMITTEE

## 2012 DEMOCRATIC NATIONAL CONVENTION

# REGULATIONS

## of the Rules & Bylaws Committee

Issued by the Democratic Party of the United States  
***Governor Tim Kaine***  
*Chairman*

***Alexis M. Herman & James Roosevelt, Jr.***  
*Co-Chairs Rules & Bylaws Committee*

As Adopted by the Rules & Bylaws Committee of the Democratic National  
Committee, November 20, 2010.



# **TABLE OF CONTENTS**

## **REGULATIONS**

1.	Rules of Procedure .....	1
2.	Submission and Review of Plans .....	3
3.	General Terms of Challenges.....	6
4.	Regulations Implementing the Delegate Selection Rules for the 2012 Democratic National Convention.....	16
5.	Regulations Supplementing the Call for the 2012 Democratic National Convention.....	23
Appendix A	Examples Showing How to Apportion District Level Delegates.....	27
Appendix B	Method of Allocating Delegates by Proportional Representation .....	29



# REGULATIONS OF THE RULES & BYLAWS COMMITTEE

## For the 2012 Democratic National Convention

As Adopted by the Rules & Bylaws Committee of the Democratic National Committee, November 20, 2010.

### 1. Rules of Procedure

#### Reg. 1.1. Terms

Throughout these Regulations:

- A. "DNC" means the Democratic National Committee;
- B. "RBC" means Rules and Bylaws Committee;
- C. "Staff" means staff in the DNC Office of Party Affairs and Delegate Selection;
- D. "Rule(s)" mean the *Delegate Selection Rules for the 2012 Democratic National Convention* as adopted by the DNC on August 20, 2012, as they may be amended, or any rule therein;
- E. "Call" refers to the *Call for the 2012 Democratic National Convention* as adopted by the DNC on August 20, 2012, as it may be amended;
- F. "Regulations" means these Regulations as they may be amended from time to time;
- G. "Co-Chair(s)" means Co-Chair(s) of the RBC;
- H. "Plan" refers to the state's Affirmative Action Plan, Inclusion Program and Delegate Selection Plan;
- I. "State Party" or "State Party Committee" means a body recognized by the DNC as the State's Democratic Party organization;
- J. "State" includes each geographical entity represented on the DNC, including the District of Columbia, territories, commonwealths and Democrats Abroad;
- K. "Majority" means more than fifty percent (50%) of the RBC members voting in person or by proxy;
- L. "Member" means a member of the RBC;
- M. "State Democratic Chair" means the Chair of each geographical entity represented on the DNC, including the District of Columbia, territories, commonwealths and Democrats Abroad, or, the Chair of a committee constituted pursuant to Rule 19.C. of the *Delegate Selection Rules* who is recognized to act in place of a state's Democratic Chair;
- N. "Secretary" means the Secretary of the Democratic National Committee;
- O. "Days" means calendar days. Weekends and federal holidays shall be included. In computing any period of time prescribed by these Regulations, the day of the act or event from which the designated

period of time begins to run shall not be included.

### **Reg. 1.2. Quorum**

Except as provided in Regulation 3.4.P, a quorum of the RBC exists when forty percent (40%) of the then existing membership of the RBC is present in person or by proxy.

### **Reg. 1.3. Proxies**

Any member may, in writing and with notice to the Co-Chairs, issue a proxy to another member. Proxies may be either general or limited and either instructed or uninstructed. All proxies shall be in writing and transferable if so specified. If instructed, the nature of the instruction shall be expressly indicated on the proxy. Unless otherwise specified, a proxy shall be deemed general, uninstructed and nontransferable. No member may hold more than one (1) proxy. A proxy may be counted for purposes of determining the presence of a quorum, and shall be considered a vote for all purposes within the scope of the proxy.

### **Reg. 1.4. Voting**

The RBC shall take action on all substantive matters by a majority vote.

### **Reg. 1.5. Co-Chairs**

Should both Co-Chairs be absent from any meeting, the Co-Chairs shall designate a member of the RBC to preside at said meeting.

### **Reg. 1.6. Meetings**

Meetings of the RBC shall be held as determined by vote of the RBC, the call of the Co-Chairs or upon written application of seven (7) members. The Co-Chairs shall determine those instances in which a telephonic meeting may be held in lieu of a meeting in person, provided, however, that

upon application of seven (7) or more members, an in-person meeting shall be held. The staff shall maintain a written transcript of all meetings.

### **Reg. 1.7. Notice**

Unless the Co-Chairs declare an emergency and set forth in writing the reasons therefore, no meeting of the RBC may be held without at least seven (7) days written notice to all members and appropriate notification to the DNC's Press Office, which shall provide notice to national news media. The notice shall prescribe the time, place and agenda of the meeting. No matter may be considered which is not on the agenda unless a majority concurs. Official meetings of the RBC shall be open to the public.

### **Reg. 1.8. Robert's Rules**

Except as otherwise provided in these Regulations, Robert's Rules of Order, Newly Revised, shall be the rules of procedure in the RBC, provided that debate on any question may be limited or closed by a majority, a quorum being present.

### **Reg. 1.9. Amendment**

These Regulations may be amended only upon a majority vote of the RBC, provided that seven (7) days written notice of any proposed amendment has been given to the RBC members.

### **Reg. 1.10. Suspension**

These Regulations may be suspended only upon the affirmative vote of at least two-thirds (2/3) of those members voting in person or by proxy.

### **Reg. 1.11. Vacancies**

A member may resign from the RBC by notice in writing to the Chairperson of the

---

## Regulations of the Rules and Bylaws Committee

---

DNC. Upon receipt of such notice, the Chairperson may appoint a replacement in accordance with the Charter and Bylaws of the Democratic Party of the United States. In the case of a vacancy on the RBC as a result of a DNC membership change, the DNC Chair may appoint a replacement in accordance with the Charter and Bylaws.

## 2. Submission and Review of Plans

### Reg. 2.1. Deadline

Each State Party Committee must submit its Delegate Selection and Affirmative Action Plans and Inclusion Programs to the RBC for receipt by no later than 5:00 p.m., on May 2, 2011. Plans should be sent by certified mail (return receipt requested), by an overnight delivery service (signature required), by electronic mail (with confirmation of delivery to partyaffairs@dnc.org), by hand delivery (receipt to be retained), or by a combination of the foregoing to: RBC Co-Chairs, c/o the Democratic National Committee, 430 South Capitol Street, S.E., Washington, D.C. 20003.

### Reg. 2.2 Formal Submission

Each State Party Committee shall include the following documentation with the submission of its Plan to the RBC:

- A. a summary of the process for selecting delegates, alternates, standing committee members, the delegation chair and convention pages, along with related deadlines;
- B. a timetable reflecting all significant dates in the state's delegate selection process;
- C. a statement from the State Democratic Chair certifying that the Plan as submitted to the RBC was

approved by the State Party Committee;

- D. a copy of a press release distributed by the State Party Committee announcing its adoption of the Plan and summarizing the major components of the Plan;
- E. a statement from the State Democratic Chair certifying that the proposed Plan including all attachments and appendices was placed on the State Party website during the 30-day public comment period;
- F. a statement from the State Democratic Chair certifying compliance with Rule 1.C. which requires a 30 day public comment period prior to the adoption of the Plan by the State Party Committee, provided that the State Party has published specific guidance for the submission of public comments;
- G. a copy of all written public and online comments submitted through the process provided above on the Plan including an identification of every person and/or organization making comments and, where appropriate, a description of the person or group so represented, if such information has been provided or is available to the State Party;
- H. a blank copy of all forms to be filed with the state or State Party by delegate candidates;
- I. a statement from the Chair of the State Party Affirmative Action Committee certifying compliance with Rule 6.F. which requires that the Affirmative Action Committee has reviewed and approved the proposed Affirmative Action and Inclusion



---

## Regulations of the Rules and Bylaws Committee

---

outreach plan, including any numerical goals established;

- J. a statement from State Democratic Chair outlining the reliable data and source used for numerical goals established under Rules 5.C., 6.A., and 7;
- K. a statement from the State Democratic Chair certifying that the State Affirmative Action Committee composition complies with Rules 5.C, 6.A., and 7 and that the names, demographic data and contact information of members was submitted to the RBC no later than 15 days after their appointment.
- L. a copy of all state statutes reasonably related to the delegate selection process; and
- M. a copy of any qualifying forms to be filed with the state or the State Party by presidential candidates.

### **Reg. 2.3. Informal Submission and Request for Technical Assistance**

- A. Any time prior to formal submission of a Plan, a State Party may make a request to the Co-Chairs for technical assistance in drafting the Plan or may submit the proposed Plan to the Co-Chairs for preliminary evaluation. The absence of an informal submission by a State Party or the failure of the State Party to take action on any suggestion made pursuant to an informal submission or request for technical assistance shall not be admissible as evidence in the event of a challenge before the RBC.

- B. Plans may be submitted for preliminary evaluation between January 3, 2011 and April 1, 2011. Any recommendations from staff based on the preliminary evaluation of a Plan do not constitute approval of a Plan, nor are the Co-Chairs, RBC, or staff restricted in comments raised during the formal review of the Plan.

### **Reg. 2.4. Extension of Time**

Upon the written request of a State Democratic Chair, the Co-Chairs or their designee may extend the time for submission or re-submission of a Plan which, in the absence of extraordinary circumstances, shall not exceed thirty (30) days. In the event a State Party requires an extension for a longer period of time, the State Party Chair shall submit a written request to the RBC, in which case the extension may be approved only by the Co-Chairs personally.

### **Reg. 2.5. Processing**

- A. Upon formal submission of a Plan, the Co-Chairs shall notify the members of the receipt of the Plan and shall forward to each member a summary of the Plan. A complete copy of any Plan shall be promptly forwarded to any member who so requests.
- B. The staff shall review each Plan and prepare a written memorandum stating its recommended findings. The memorandum shall set forth the staff's recommendations as to whether the Plan is: (i) in Compliance; (ii) in Conditional Compliance; or (iii) in Non-Compliance with the requirements of the *Rules*, the *Call* and/or these Regulations. The staff shall promptly provide copies of the memorandum to the members.

**Reg. 2.6. Terms**

- A. "Compliance" means a Plan complies with the requirements of the *Rules*, the *Call* and these Regulations.
- B. "Conditional Compliance" means a Plan complies with the spirit and generally with the substance of the *Rules*, the *Call* and these Regulations but has certain minor deficiencies or omissions.
- C. "Non-Compliance" means a Plan is deficient in some material respect and therefore does not meet the requirements of the *Rules*, the *Call* and/or these Regulations.

**Reg. 2.7. Rules and Bylaws Committee Action**

- A. No later than September 16, 2011, the RBC shall act upon each Plan that has been timely submitted.
- B. A finding that a Plan is in Conditional Compliance must include a specific list of recommendations required to correct the omissions and/or deficiencies. Within thirty (30) days of receipt of notice of the RBC's finding of Conditional Compliance, the State Party shall correct and resubmit its Plan to the RBC. Upon receipt by the RBC of evidence of appropriate corrective action in response to each of the items of omission and/or deficiency, such a Plan shall automatically be found in Compliance.
- C. Any finding of Non-Compliance must include a statement identifying the deficiencies in the Plan. The State Party shall correct and resubmit a Plan found in Non-Compliance within thirty (30) days of its receipt of

the RBC's finding of Non-Compliance. The RBC shall process each submitted Plan pursuant to Regs. 2.4, 2.5 and 2.7.

- D. In the event that the RBC requires a second or subsequent resubmission of a Plan found to be in Conditional Compliance or in Non-Compliance, the RBC shall establish a reasonable period within which the corrected Plan must be reviewed.

**Reg. 2.8. Evaluation of Implementation**

Any State Party may make a written request of the Co-Chairs for an informal evaluation of the implementation of its Plan. Upon receipt of the request, the Co-Chairs shall designate a member of the RBC or staff to informally assist the State Democratic Chair. The failure of a State Democratic Chair to follow any suggestion of the designee of the Co-Chairs shall not be admissible as evidence in the event of any challenge to the implementation of the Plan before the RBC.

**Reg. 2.9. Amendments to Plans**

- A. Once a State Party's Plan has been found in Compliance by the RBC, any amendments to that Plan must be submitted to and approved by the RBC.
- B. Technical amendments to a State's Plan may be approved by the Co-Chairs of the RBC. RBC members will be advised of any technical amendments that are approved and will be afforded an opportunity pursuant to Reg. 1.6 to have the amendment considered by the full committee. Substantive amendments to the State's Plan will be referred by the Co-Chairs to the full RBC for consideration.

---

## Regulations of the Rules and Bylaws Committee

---

- i. Technical amendments are those changes that do not substantively change the delegate selection process and do not impede participation in the process.
  - ii. Substantive amendments are those that substantially alter the process or may result in the inability of any affected party to fully comply with and participate in the process by reason of insufficient notice of such amendments. Amendments affecting timing of the first step, application of proportional representation, and use of the threshold are among those changes that will be considered substantive in nature.
- C. No amendment to a State Plan shall be effective unless the substance of the amendment is: (i) approved by all relevant national, state and State Party entities and the RBC at least thirty-five (35) days, and (ii) conforms to all applicable state election procedures at least thirty days, prior to the time the amendment would be implemented. Rule 21 of the 2012 *Delegate Selection Rules* is applicable to this regulation.

### 3. General Terms of Challenges

#### Reg. 3.1. Jurisdiction of the RBC

- A. Pursuant to the 2012 *Delegate Selection Rules*, the *Call to the 2012 Democratic National Convention* and these Regulations, the RBC shall have jurisdiction to hear and decide any challenge (provided that it is initiated before the 56th calendar day preceding the date of the

commencement of the 2012 Democratic National Convention):

- i. to a State Party organization with respect to its status as the body entitled to sponsor a delegation from that state;
- ii. alleging failure to submit or implement either an approved Affirmative Action Plan or Inclusion Program in a timely manner;
- iii. alleging failure to submit or implement a specific requirement of a State Plan;
- iv. appealing a decision of a State Party relative to a challenge to a Plan; or
- v. alleging failure of a State Party to implement a final order of the RBC.

B. This jurisdiction is in addition to that conferred upon the RBC pursuant to the Charter and Bylaws of the Democratic Party.

C. The foregoing shall not preclude the RBC from providing advice, assistance or interpretations of the Rules at any stage of the delegate selection process.

D. Any request for advice, assistance or interpretations of the Rules pursuant to Reg. 3.1.C. shall be made in writing and shall be submitted to the Co-Chairs, together with the names, addresses and telephone numbers of all affected parties. The RBC shall notify all affected parties of the request and shall provide all such parties with an opportunity to comment on and be heard on the request, under such procedures as

---

## Regulations of the Rules and Bylaws Committee

---

the Co-Chairs deem appropriate under the circumstances.

- E. Any challenge or appeal excluded from the jurisdiction of the RBC by Reg. 3.1.A., and any challenge pending before but not decided by the RBC on or before the 56th calendar day preceding the date of commencement of the Democratic National Convention, shall fall within the jurisdiction of the Credentials Committee.

### Reg. 3.2. Parties

#### A. Challenging Parties:

- i. A challenge to a Plan or the implementation of a Plan, including the Affirmative Action and Inclusion portions of such Plan, shall be brought by at least fifteen (15) Democrats who are residents of the state or level at which delegates to the National Convention are elected in which the challenge arises, and who fulfill (a) below, or if there is not Democratic Party enrollment or registration in the state, then either (b) or (c) below:
  - (a) Registered or enrolled as Democrats in those states that employ such procedures. Persons not registered to vote or persons registered as unaffiliated voters or enrolled as members of other parties or as independents shall not have standing to bring a challenge.
  - (b) Participated in Democratic Party Affairs. Persons who have participated in the affairs of another political party during the preceding

twelve (12) month period shall not have standing to bring a challenge.

Participation in a party's affairs shall include, but not be limited to, voting in the immediately preceding primary of that political party.

- (c) Any person who lacks standing under paragraphs (a) and (b) and who demonstrates that he or she attempted to participate in the affairs of the Democratic Party in good faith shall have standing to challenge.

- ii. Each challenge shall include a statement indicating that each challenger subscribes to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States. With respect to implementation challenges, each challenger must have been personally injured or must be a member of a class injured by the alleged violation.

#### B. Challenged Parties:

- i. With respect to a jurisdictional challenge, the challenged party shall be the Democratic Party organization sponsoring a delegation from that state.
- ii. With respect to an implementation challenge where delegates to the Democratic National Convention have not yet been selected from the level at which the challenge arises, the challenged party shall be the Democratic Party organization responsible for that level;

provided that where any state law or State Party rule, regulation, decision or other State Party action or omission is challenged, the State Party Committee shall also be named as a challenged party. If, while the challenge is pending, any delegate(s) or alternate(s) to the Convention are selected from the level involved, such delegate(s) or alternate(s) shall be joined as challenged parties if any relief with respect to their credentials at the Convention is sought.

- iii. Where delegates or alternates to the Convention have been selected from the level in which the challenge arises, the challenged party or parties shall be a delegate or alternate, or group of delegates or alternates, or the entire delegation from that level.
- iv. The State Party Committee shall be joined as a challenged party if a challenged party so requests.

### C. Intervening Parties:

- i. A State Party Committee may intervene as a matter of right in any challenge proceeding for the purpose of protecting any interest the State Party may have with respect to the proceeding.
- ii. A presidential candidate may intervene as a matter of right in any challenge proceeding for the purpose of protecting any interest the candidate may have with respect to the proceeding.
- iii. For good cause shown, any other person having standing under Reg. 3.2 may be permitted to be

heard as an amicus curiae or, in appropriate circumstances, to intervene, for all or limited purposes, by leave of the Co-Chairs or the Hearing Officer.

### Reg. 3.3. Filing, Service of Documents and Computation of Time

- A. **Filing:** All documents to be considered in the processing of any challenge shall be filed by an overnight delivery service (signature required), certified mail (return receipt requested), electronic mail (with delivery of confirmation), or by hand delivery (receipt to be retained) during business hours, to: RBC Co-Chairs, c/o Democratic National Committee, 430 South Capitol Street, SE, Washington, DC 20003, with a copy to the State Democratic Chair of the state in which the challenge arises. The original and a copy of each document shall be filed with the RBC, unless a different number is required by the Rules or these Regulations. By written request, the RBC may require additional copies of any relevant document. Filing shall be deemed complete upon receipt, or in the case of hand delivery, upon delivery.
- B. **Service:** Any documents filed in any proceeding pursuant to these Regulations shall be served at the same time by the filing party upon all other parties to the proceeding, with a copy to the State Democratic Chair of the state in which the challenge arises. Service shall be made by an overnight delivery service (signature required), certified mail (return receipt requested), electronic mail (with delivery confirmation), or hand

---

## Regulations of the Rules and Bylaws Committee

---

delivery (receipt to be retained) to each party or his or her attorney, if any, or other representative authorized to receive documents on his or her behalf ("agent of record"). Any document filed pursuant to these rules shall be accompanied by a certificate of service signed by the filing party or by his or her attorney, if any, or agent of record. Service shall be deemed complete, in the case of hand delivery, on the date of receipt by the served party or, in the case of service by an overnight delivery service or certified mail, on the first business day on which delivery is attempted.

### C. Time:

- i. In computing any period of time prescribed by these Regulations, the day of the act or event from which the designated period of time begins to run shall not be included. Weekends and federal holidays shall be included.
- ii. The Co-Chairs shall have authority for good cause to enlarge or shorten any period of time prescribed by these Regulations. An extension of time shall be granted only when compelling need is shown.

### Reg. 3.4. Challenges

- A. Jurisdictional Challenges: A jurisdictional challenge shall be commenced by the filing of a written challenge with the RBC by no less than fifteen (15) persons having standing under Reg. 3.2, no later than thirty (30) calendar days prior to the initiation of a state's delegate selection process.

- B. Challenges to the Plan: A challenge to the Plan shall be commenced by the filing of a written challenge by no less than fifteen (15) persons having standing under Reg. 3.2, no later than fifteen (15) calendar days after the adoption of such Plan by the State Party. The challenging parties shall, within the period provided by the State Party Committee in its Delegate Selection Plan, invoke, and shall thereafter exhaust, the remedies provided by State Party Committee procedures for the violations alleged.

- C. Implementation Challenges: A challenge asserting that a specific requirement of a Plan has not been implemented shall be commenced by the filing of a written challenge by no less than fifteen (15) persons having standing under Reg. 3.2, no later than fifteen (15) calendar days after the alleged violation occurred, or in the case of a challenge to an Affirmative Action or Inclusion program, at any time up to thirty (30) days prior to the initiation of the State's delegate selection process.

- i. The challenge shall first be considered by the State Party Committee. The State Party Committee shall have twenty-one (21) days, or such longer period as the Co-Chairs deem appropriate, in which to render its decision.

- ii. The State Party Committee may take such action with respect to the challenge as it is authorized to take under state law and its State Party Delegate Selection Plan.

### D. Contents of Challenges:

- i. The challenge shall be verified by the notarized signature of each

## Regulations of the Rules and Bylaws Committee

---

challenging party and shall include the following:

- (a) The name, address, email address and telephone number of each challenging party and allegations of fact fulfilling the requirements of Reg. 3.2; and the name, address and telephone number of each challenging party's attorney, if any, or agent of record.
- (b) The name, address, email address and telephone number of each delegate or alternate whose credentials are challenged, or a statement that such information is unavailable to the challenging parties; or, where delegates or alternates have not yet been selected, the name, address and telephone number of each challenged party.
- (c) An identification of the state and level at which delegates to the National Convention are elected in which the challenge arises.
- (d) A plain, concise and specific statement, in separately numbered paragraphs, of each alleged violation of a state Delegate Selection Plan approved by the RBC, or of a final order of the RBC; or a statement that the state does not have an approved Delegate Selection Plan.
- (e) A plain, concise and specific statement, in separately numbered paragraphs, of how each challenging party

has been injured with respect to his or her participation in the delegate selection process by each alleged violation.

- (f) A plain, concise and specific statement of the remedies each challenging party has invoked with respect to each alleged violation before filing a credentials challenge with the RBC, and a statement of the expected length of time for exhaustion of the State Party procedures.
  - (g) A plain, concise and specific statement, in separately numbered paragraphs, of the relief requested and the reason therefore. If a challenging party proposes that he or she be seated in the state's delegation, the challenge shall include a plain, concise and specific statement of the reasons why that party has a right to be seated, superior to that of the delegate or alternate whose seat he or she seeks; and a plain, concise and specific statement of how the challenging party has complied with all applicable laws, rules and regulations and has participated in the delegate selection process.
- ii. The challenge shall be accompanied by the following documents:
- (a) A plain, concise and specific statement that contains, by separately numbered paragraphs, each violation alleged and each form of relief sought.

---

## Regulations of the Rules and Bylaws Committee

---

- (b) A list of the name, address, email address and telephone number of each witness who is likely to be called to testify in support of the challenge.
  - (c) A list of the documents likely to be offered in support of the challenge, together with copies of those documents.
- E. Answer:
- i. Within ten (10) calendar days after service of a challenge, each challenged party shall file a written answer, verified by the notarized signature of each challenged party, including the following:
    - (a) The name, address, email address and telephone number of each challenged party and the name, address and telephone number of his or her attorney, if any, or agent of record;
    - (b) A statement as to whether the standing under Reg. 3.2 of the challenging parties is in dispute;
    - (c) A response to the challenge, in separately numbered paragraphs admitting or denying each statement therein, or stating that the challenged party is without sufficient information to admit or deny. A response to a statement shall fairly meet its substance, admitting those parts that are true and denying those parts that are false.
    - (d) A plain, concise and specific statement, in separately numbered paragraphs, of each and every affirmative defense to the alleged violations, including the reasons that the State Party believes that the challenged provisions of the Plan are in compliance with the *Call*, the *Rules* and/or these Regulations;
  - ii. The answer shall be accompanied by the following documents:
    - (a) plain, concise and specific statement that contains, by reference to each numbered paragraph of the challenging statement required by Reg. 3.4.D., a response to each alleged violation or request for relief. A response to a proposition shall fairly meet its substance, admitting those parts that are true and denying those parts that are false. Wherever a proposition is denied in whole or part, the proposition supported by the challenged party on that point shall be stated.
    - (b) A list of the name, address, email address and telephone number of each witness who is likely to be called to testify in opposition to the challenge.
    - (c) A list of the documents likely to be offered in opposition to the challenge, together with copies of those documents.
  - (e) A plain, concise and specific statement of any other reasons why the challenged party should prevail.



## Regulations of the Rules and Bylaws Committee

---

- iii. Challenged parties may consolidate their answers.
  - iv. If the State Party considers that a challenge is so vague as to preclude a responsive answer, the State Party may so state in the form of a motion filed with the RBC and served on the challengers' attorney, if any, or agent of record. Such motion shall delay the time for filing an Answer until (a) the Co-Chairs determine the motion is without merit or (b) the challengers file an amended challenge upon request of the Co-Chairs.
- F. Review: Upon receipt of the Challenge and the Answer, the Co-Chairs shall forward the challenge and the answer to the staff for review. Within two (2) weeks after receipt of such Challenge and Answer, the staff shall provide the Co-Chairs with a summary of the challenge and any recommendations for actions by the RBC, including alternatives for amicable resolution of the challenge and answer or the need for additional investigation or inquiry.
- G. Dismissal and Decision on the Pleadings:
- i. *Dismissal:*
    - (a.) The Co-Chairs shall dismiss any challenge, or part of a challenge, in the event that:
      - 1.) it does not fall within the jurisdiction of the RBC;
      - 2.) it is brought by persons lacking standing under Reg. 3.2;
    - (b.) If a State Party has adopted and implemented an approved affirmative action and inclusion program, the Co-Chairs shall dismiss any challenge, or part of a challenge, which is based solely on composition of the Convention delegation, except in the case of a challenge based upon the failure to achieve equal division.
    - (c.) Any dismissal shall be accompanied by a written opinion of the Co-Chairs.
  - ii. *Decision on the Pleadings:* The Co-Chairs shall have authority to make a decision on the pleadings where it is plain from the challenge and the answer, together with documents accompanying those pleadings, that there is no genuine issue of material fact between the parties. Any decision on the pleadings shall be accompanied by a written opinion by the Co-Chairs.
- 3.) it fails to state a valid challenge;
  - 4.) the same challenge has been previously resolved;
  - 5.) there is no evidence in support of the challenge;
  - 6.) there is adequate remedy pursuant to state law or State Party available to the challengers which has not been exhausted; or
  - 7.) the challenge is frivolous.

---

## Regulations of the Rules and Bylaws Committee

---

iii. *Review of Dismissal or Decision on the Pleadings:* Within five (5) calendar days after service of a notice of the entry of a dismissal under Reg. 3.4.G.(i) or decision on the pleadings under 3.4.G.(ii), an aggrieved party may file a Petition for Review with the RBC, stating the objections to the Co-Chairs' action, and may file a brief. Within five (5) calendar days after service of the petition, any other party may file a brief. Consideration of the challenge by the RBC shall proceed as in other cases, except that the challenge shall be given precedence on the committee's docket.

### H. Decision of State Party Committee:

- i. Non-implementation and implementation challenges shall first be brought to the appropriate State Party Committee for a decision to be rendered within twenty-one (21) days.
- ii. The State Party Committee may take such action with respect to the challenge or other related matter as it is authorized to take under state law and State Party rules.
- iii. Any party shall have the right to appeal to the RBC within ten (10) days following the notice of the decision of the state body, or after passage of the twenty-first (21<sup>st</sup>) day following filing of the challenge with the State Party Committee, whichever shall come first. The challenger shall file any written decision or order made with respect to the challenge by the State Party Committee. The decision of the

State Party Committee shall be given such weight as the RBC finds warranted in the circumstances.

iv. Records of proceedings conducted by the State Party Committee with respect to the challenge or other related matters, and other papers relating to the State Party proceedings, shall be admissible in RBC proceedings on the challenge.

I. Pre-Hearing Conference: Prior to any hearing, the Co-Chairs or a Hearing Officer designated by the Co-Chairs may call for a pre-hearing conference of the parties. At such conference, the Co-Chairs or Hearing Officer will: (i) make every reasonable effort to facilitate settlement of the challenge; and (ii) discuss the procedures to be followed at the hearing and may request: (a) a final list of witnesses; (b) a final list of documents; and (c) a stipulation of the parties to any issue not in dispute.

### J. Hearing:

- i. With respect to any challenge or part of a challenge not dismissed or decided on the pleadings under Reg. 3.4.G., an open and public hearing shall be held on the specific factual and legal matters in dispute. An electronic or stenographic recording or clerical notes shall be made of the proceedings at any such hearing.
- ii. The hearing shall be held in Washington, D.C., unless the Co-Chairs determine that in the interest of justice it should be held elsewhere.

## Regulations of the Rules and Bylaws Committee

---

- iii. The hearing shall be conducted by a Hearing Officer appointed by the Co-Chairs. The Hearing Officer shall be a Democrat, neutral in the context of the challenge, experienced in the law, known by reputation to be fair and shall not be involved in or identified with any presidential campaign or any group promoting or opposing credentials challenges. The Co-Chairs shall make a reasonable effort to secure the agreement of the parties to the Hearing Officer.
  - iv. The Hearing Officer shall have all power necessary to conduct the hearing in such manner, consistent with these Regulations, as to secure the just, speedy and inexpensive determination of the challenge, including the right to require the parties to participate in a pre-hearing conference.
  - v. Prior to the commencement of the hearing, the Hearing Officer shall announce a ruling identifying, on the basis of the papers filed in the challenge and any pre-hearing conference, the specific issues in dispute. The Hearing Officer shall have power to rule that on certain issues only documentary evidence shall be received. Any party objecting to a ruling under this paragraph may make a proffer of the evidence that would have been presented but for the ruling.
  - vi. The Hearing Officer shall hear the evidence, dispose of procedural requests and similar matters and, to the extent possible, obtain stipulations of the parties as to the facts of the challenge.
  - vii. The Hearing Officer shall have authority to receive all competent evidence relevant to the specific matters in issue and to assign to it appropriate weight.
  - viii. The Hearing Officer shall have authority to order for good cause, that a party produce at the hearing designated evidence in the interest of justice. Where a party fails to produce such evidence, the Hearing Officer may make findings of fact adverse to the party on all issues to which the evidence would have been material.
  - ix. Subject to any ruling under Reg. 3.4.J.(v), each party shall have the right to present competent oral and documentary evidence relevant to the specific matters at issue and to conduct cross-examination.
  - x. The Hearing Officer may require parties to consolidate their challenges or defenses for purposes of the hearing.
  - xi. The Hearing Officer shall make and file a written report to the RBC, which shall include findings of fact, conclusions of law and a recommendation for disposition of the challenge. The report shall be served on all parties to the challenge.
- K. Consideration by the Rules and Bylaws Committee:
- i. The RBC shall begin meetings at the call of the Co-Chairs in Washington, D.C., or elsewhere

---

## Regulations of the Rules and Bylaws Committee

---

- at the call of the Co-Chairs, to hear challenges.
- ii. All meetings of the RBC shall be open to the public; provided that the Co-Chairs shall exclude from the specific area where the committee is conducting its business all persons whose presence in that area is not required for the proper conduct of the business.
- L. Request for Hearing by Full Committee: Within two (2) days after service of the Hearing Officer's report, an aggrieved party may file a written Petition for Review with the RBC. The petition shall contain a plain, concise and specific statement of the reasons for appeal and the procedural and/or substantive errors claimed by the petitioner.
- M. Briefs:
- i. Within three (3) calendar days after filing the Petition for Review, the petitioner for review may file a brief.
  - ii. Within three (3) calendar days after service of the petitioner's brief, a respondent may file a brief.
  - iii. Any party filing a brief shall file as many copies as there are members of the RBC, plus ten (10) copies for the Co-Chairs and staff of the committee.
- N. Argument:
- i. Each side to a challenge shall be entitled to present oral argument before the RBC for a period determined by the Co-Chairs, generally not to exceed fifteen (15) minutes.
- ii. The Co-Chairs may require parties to consolidate or separate their challenges or defense for purposes of oral argument.
  - iii. The Co-Chairs shall notify the parties of the time and place of oral argument.
- O. Burden of Proof:
- i. A timely claim alleging failure to submit or to implement at all, either an approved Affirmative Action Plan or Inclusion Program shall constitute grounds for a challenge with the burden of proof (by clear and convincing evidence) on the challenged party.
  - ii. A timely claim alleging failure to implement one or more specific requirements of either an approved Affirmative Action Plan or Inclusion Program shall constitute grounds for a challenge with the challenging party bearing the burden of proof (by clear and convincing evidence), but with the challenged party presenting its case first.
  - iii. In all other challenges, the challenging party shall bear the burden of proof (by clear and convincing evidence).
- P. Voting: A member of the RBC shall not vote on a challenge arising in his or her own state. All matters shall be determined by a majority vote of those voting in person or by proxy. A quorum shall consist of forty percent (40%) of the total number of committee votes entitled to be counted in the matter.

## 4. Regulations Implementing the *Delegate Selection Rules for the 2012 Democratic National Convention*

### Reg. 4.1. General Definitions

- A. "Delegate selection process" as used throughout the Rules means the process directly related to the selection of delegates to the 2012 Democratic National Convention.
- B. "The first meeting in the delegate selection process" as used throughout the Rules includes pre-primary caucuses and first tier caucuses in caucus states.

### Reg. 4.2. Rule 1.G.

The selection of members of the Standing Committees to the National Convention (Credentials, Platform and Rules) shall be done in conformity with Article VII of the *Call to the 2012 Democratic National Convention*, as adopted August 20, 2010, by the Democratic National Committee.

### Reg. 4.3. Rule 2.A.

- A. A state Plan should indicate how voters participating in the delegate selection process will publicly declare their Party preference and have that preference publicly recorded.
- B. In states with Party registration, the Plan should indicate whether voters who are not registered or enrolled as Democrats are able to participate in the process.
- C. In order to encourage participation by youth in the delegate selection

process, any individual who will have turned 18 by the date of the general election should be allowed to participate in any party run step of the delegate selection process.

### Reg. 4.4. Rule 2.D.

"Person" as used in Rule 2.D. shall mean:

- i. A caucus or primary voter;
- ii. A candidate for delegate;
- iii. A delegate;
- iv. An alternate; or
- v. A standing committee member.

### Reg. 4.5. Rule 3.A.

- A. "End at reasonable hours" as used in Rule 3.A. does not preclude a meeting from continuing when it would be more unreasonable to adjourn the meeting to another time.
- B. Scheduling of meetings related to the delegate selection process shall consider any religious observations that could significantly affect participation (See Charter, Article I.4).

### Reg. 4.6. Rule 3.E.

"Participate in more than one meeting" as used in Rule 3.E. means to register a preference at more than one (1) meeting.

### Reg. 4.7. Rules 5.C., 6.A. & 7

- A. Several rules govern and seek to ensure diversity and the full participation of historically under-represented groups in the Party's delegate selection process.

## Regulations of the Rules and Bylaws Committee

---

Specifically, Rule 5.C. mandates development of outreach plans; Rule 6.A. requires goals and timetables for certain identified under-represented groups; and Rule 7 directs state parties to develop programs that will achieve full participation of other under-represented groups. Together, these three rules address non-discrimination, affirmative action, and inclusion programs.

B. Rule 7 requires State Parties to develop a plan intended to secure the full participation in the delegate selection process of LGBT Americans, people with disabilities, youth, and other groups the State Party may deem necessary, commensurate with each group's participation in the state's Democratic electorate. Consistent with this rule, State Parties must take reasonable steps to determine the participation of these groups in the state's Democratic electorate.

C. The State Plan shall include a section on Affirmative Action, Outreach and Inclusion (hereinafter referred to as the "Affirmative Action section"), which sets out in detail how the state party will satisfy the diversity and full participation requirements imposed by Rules 5.C., 6.A. and 7. The Affirmative Action section must include:

i. Provisions for adequate outreach programs as required under Rule 5.C for groups that are historically under-represented in Democratic Party affairs. The term "race/ethnicity" as used in Rule 5.C. refers to African Americans, Asian Americans and Pacific Islanders, Hispanics, and Native Americans.

ii. Specific goals and timetables for African Americans, Hispanics, Native Americans, Asian Americans and Pacific Islanders and women, including methodology, as required under Rule 6.A.

iii. A program to achieve full participation by additional under-represented groups as required under Rule 7, provided, however, that in lieu of a separate inclusion program, a state plan may establish goals, with methodology, and timetables for the under-represented groups identified in Rule 7 (LGBT Americans, people with disabilities, and youth), as well as other groups the State Party determines to be under-represented.

D. The purpose of the priority of consideration for African Americans, Hispanics, Native Americans, Asian Americans and Pacific Islanders and women in the first sentence of Rule 6.A.(3) is to address the affirmative action goals outlined in the state's Delegate Selection Plan. The purpose of priority of consideration in the last sentence of Rule 6.A.(3) for the other groups as described in Rule 5.C. and Rule 7 is to assist in the achievement of full participation by those groups in the state's delegation.

### Reg. 4.8. Rule 6.C.

A. The phrase, "as far as mathematically practicable," as used in Rule 6.C.(1), means if the number of delegates or alternates to be allocated is even, the division between men and women must be equal, and if the number is odd, the variance between men and women may not exceed one (1).

---

## Regulations of the Rules and Bylaws Committee

---

- B. State Plans must specifically provide for equal division of district-level delegate men and delegate women and district-level alternate men and alternate women within each district, as far as mathematically practicable; and the total number of district-level delegates and district-level alternates must be equally divided, as far as mathematically practicable.

### Reg. 4.9. Rule 6.I.

- A. For purposes of this Rule, “respective delegations” shall include standing committee members selected by the state, pursuant to Article VII of the *Call*.
- B. Presidential candidates shall use their best efforts to submit lists that contain delegates and alternates, as the case may be, who will promote meeting the goals of Rule 6.I.
- C. The certification required by Rule 6.I. shall be submitted to the Rules and Bylaws Committee by the State Party with respect to each level of delegate and alternate positions, within three (3) business days of the date on which, pursuant to Rule 12.D., the presidential candidates or their authorized representatives are required to submit to the State Party their lists of persons approved or not approved as candidates for those delegate or alternate positions.

### Reg. 4.10. Rule 8

Where data is based upon historical district boundaries which have changed in the interim, every reasonable attempt shall be made to estimate the vote in the area encompassed by the district to be used for the 2012 process.

*[See Appendix A for examples illustrating the formulas for apportioning district level delegates within states as provided in Rule 8.A.]*

### Reg. 4.11. Rule 8.A.

“Population” as used in Rule 8.A. means the population as determined by the 2010 Federal Census or the most recent estimate available from the Federal Census Bureau.

### Reg. 4.12. Rule 8.E.

States electing district-level, pledged party leader and elected official, and at-large delegates and alternates at the same meeting shall provide presidential candidates sufficient opportunity to review the list of delegate and alternate candidates for each category pledged to that presidential candidate prior to each election.

### Reg. 4.13. Rule 9.A.

- A. For the purposes of Rule 9.A., the State Democratic Chair and the next highest ranking officer of the opposite sex holding office on the day that the 2012 National Convention convenes shall be included in the state’s delegation.
- B. For purposes of Rule 9.A., the “individuals recognized as members of the DNC” includes each voting member of the Democratic National Committee who is registered to vote and legally resides (“legal residence”) in the respective state and holds such office on the day the 2012 Convention convenes, regardless of the manner of his or her selection.
- C. For the purposes of Rule 9.A.(1), the state’s delegation shall include those members of the Democratic National Committee apportioned to the state by the Charter, and certified to the

Secretary by the State Democratic Chair, and whose terms commenced on the day after the 2008 National Convention adjourned. In the event a member has died, resigned or otherwise been replaced, the person who has been selected to serve the remainder of the member's term shall be included. Nothing in this Regulation shall be interpreted to permit any person to be included in a state's delegation, pursuant to Rule 9.A.(1), who has not been selected in accordance with the requirements of the Charter and Bylaws of the Democratic Party.

- D. For the purposes of Rule 9.A.(5), the term "former Chairpersons of the Democratic National Committee" includes National Chairpersons and General Chairpersons.

**Reg. 4.14. Rule 9.B.**

- A. A person eligible as a delegate under Rule 9.B. may seek election as a district-level delegate and/or an at-large delegate as provided in the Rules.

**Reg. 4.15. Rule 9.B.(1)**

- A. "Big city mayors" as used in Rule 9.B.(1) is defined as the mayor of a city or the person holding the elective office of executive of a county over 250,000 in population or, in states having fewer than two cities or counties that large, the mayors or persons holding elective office of county executive of the two largest cities and/or counties in the state.
- B. Even though persons eligible for Party and Elected Official delegates are considered in priority order, these Rules do not mandate the choice of any specific individual.

**Reg. 4.16. Rule 9.B.(3)**

- A. Each state's Delegate Selection Plan shall provide for procedures by which candidates for pledged Party Leader and Elected Official delegate positions file for election. Included in the Plan must be instructions on how to file, the deadline for filing, and the procedure by which a Presidential candidate may register his or her approval or disapproval.
- B. State Plans that, pursuant to Rule 9.B.(3), provide an alternate filing process for pledged Party Leader and Elected Official delegate candidates held after the selection of district-level delegates, must include the instructions, deadlines and procedures as specified above.

**Reg. 4.17. Rule 9.C.(2)**

A state Plan that provides for the election of any of its pledged Party Leader and Elected Official delegates, or at-large delegates by the State Party Committee must include a description of how members of the State Party Committee have been elected through open processes in conformity with the basic procedural guarantees utilized for delegate selection.

**Reg. 4.18. Rule 9.D.**

Except as provided by Rule 9.A., no person participating in the allocation of delegates by presidential preference at any level of the process, including a state convention, shall automatically serve by virtue of holding a public or party office.

**Reg. 4.19. Rule 10.A.**

- A. In order to implement this provision, the entire at-large delegation elected pursuant to Rule 9 may be reserved, if necessary, for members of one (1) sex.



- B. Selection of at-large delegates shall also be used to assure the full participation of groups specified in Rule 7.

**Reg. 4.20.Rule 11.A.**

A pre-primary candidate caucus for the purpose of establishing slates of delegate candidates shall not be deemed the “first determining stage” in the presidential nominating process.

**Reg. 4.21. Rule 12.B.**

Each state’s Delegate Selection Plan shall specify the date and time by which a person wishing to be elected to a district level or at-large delegate or alternate position must file a statement of candidacy designating his or her presidential or uncommitted preference and his or her signed pledge of support for that preference.

**Reg. 4.22.Rule 12.D.**

- A. A state Plan may not provide that a presidential candidate’s authorized representative be a legal resident of that state.
- B. Each state’s Delegate Selection Plan shall specify the date and time by which presidential candidates or their authorized representatives must advise the State Party if persons pledged to them who have filed for delegate or alternate positions are not bona fide supporters.
- C. Prior to the slating of delegates and alternates at a pre-primary caucus, a state party must convey to the presidential candidate, or that candidate’s authorized representative(s), a list of all persons who have filed for delegate or alternate positions pledged to that presidential candidate.

- D. Each state’s Delegate Selection Plan shall specify the date by which presidential candidates, or their authorized representative(s), must signify approval or disapproval of the list of at-large delegate and alternate candidates, which must be after the selection of the district level and party leader and elected official delegates.

**Reg. 4.23.Rule 12.E.**

- A. For purposes of these rules, “three (3) names for every such position to which the presidential candidate is entitled” means three separate individuals for each position (i.e. nine names for three slots). Furthermore, each presidential candidate shall use his or her best effort at the district level to approve delegate and alternate candidates who meet applicable equal division and affirmative action considerations in order to achieve the requirements of Rule 6.I. This same principle also applies to any provision requiring one (1) or two (2) names for delegate or alternate positions.
- B. Delegate and alternate candidates removed from the list of bona fide supporters by a presidential candidate do not automatically become uncommitted delegate or alternate candidates.
- C. Delegate or alternate candidates removed by a presidential candidate from the list of bona fide supporters at one level may file to run at another level pledged to that candidate, another candidate, or uncommitted.
- D. In states where presidential candidates may leave only one (1) name for every at-large and pledged party leader and elected official

delegate and alternate position to which the presidential candidate is entitled, the presidential candidates may specify the specific individuals for the delegate and alternate positions.

### **Reg. 4.24.Rule 12.H.**

Provisions in this rule requiring all delegates and alternates to be bona fide Democrats also applies to all standing committee members.

### **Reg. 4.25.Rule 13**

- A. For purposes of these rules, “threshold” is defined as the percentage of votes a preference must receive in order to be allocated delegates.
- B. The methods of allocating delegates pursuant to Rule 13. shall be as provided for in Appendix B of these Regulations.
- C. Under these rules, “uncommitted” is treated as any other presidential candidate status for the purpose of allocating delegates and alternates, but this requirement does not imply that states are required to place “uncommitted” on the presidential ballot.

### **Reg. 4.26.Rule 13.H.**

“Non-binding presidential preference event” includes beauty contest primaries and straw polls.

### **Reg. 4.27.Rule 14**

- A. If not otherwise prohibited by a state’s Delegate Selection Plan, a delegate or alternate candidate may submit a statement of candidacy and pledge of support for more than one delegate/alternate category.

- B. A State Plan may provide that upon a delegate’s or alternate’s selection at one level, any statement of candidacy by that individual for another level is nullified and that individual is ineligible to be considered for election at another level.

- C. For purposes of these rules, in states that do not otherwise provide an opportunity to file for more than one delegate category at the same time, the filing deadline for at-large delegates and alternates shall be at the same time or after the selection of pledged party leader and elected official delegates.

### **Reg. 4.28.Rule 16**

“Register the nontransferable proxy” as used in Rule 16 means to deliver a signed proxy to the person designated therein to exercise it. The proxy must be signed by the person making it.

### **Reg. 4.29.Rule 18.B.**

A Presidential candidate receiving one or more delegates at the district level in a state, but not entitled to an alternate because of threshold requirements, will be allocated one of the at-large alternates apportioned to that state. The state will allocate the first at-large alternate to this candidate in accordance with the equal division provisions as specified in the Plan before allocating the other at-large alternates as set out in Rule 10.C.

### **Reg. 4.30.Rule 18.C.**

The following formulas are to be used for determining the number of alternates to be selected to each level:

- 1. District Level Alternates: Seventy-five percent (75%) of the state’s alternates shall be allocated at the district level.

2. At-large and Pledged Party and Elected Official Delegates: Twenty-five percent (25%) of the state's alternates shall be allocated to these delegates.

**Reg. 4.31. Rule 18.D.**

A delegate may be permanently replaced by an alternate, provided that the replacement has been certified to, and acknowledged by, the Secretary no later than 48 hours before the first official session of the Convention is scheduled to convene.

**Reg. 4.32. Rule 18.D.(2)**

If a presidential candidate has only one alternate and that alternate permanently replaces a delegate of the opposite sex – thereby causing the delegation to no longer be equally divided – that delegation shall not be considered in violation of Rule 6.C. Notwithstanding Rule 18.D.(2), in such a case, the delegation must use any subsequent permanent replacement as an opportunity to replace a delegate with a person of the opposite sex, in order to return the delegation to equal division.

**Reg. 4.33. Rule 18.E.**

No alternates are to be allocated to unpledged delegates selected pursuant to Rule 9.A. These delegates are not entitled to name either a temporary or permanent replacement nor is the State Party entitled to name a temporary or permanent replacement except in the case of death, as provided by the *Call*, Article IV.C.2.

**Reg. 4.34. Rule 20.A.**

“Initiation of the state’s delegate selection process” as used in Rule 20.A. means the primary date in states with post-primary caucuses or two-part primaries, or in states with pre-primary caucuses, the date of the pre-primary caucus; or in non-primary states, the first official meeting in the process.

**Reg. 4.35. Rule 20.B**

- A. With respect to a challenge based upon non-submission or non-implementation of an approved Affirmative Action and Inclusion program, the burden of proof is upon the challenged party if the challenge alleges that the challenged party failed to submit or implement at all an approved Affirmative Action Plan and Inclusion Program. In all other challenges, the burden of proof is upon the challenging party. (See also Reg. 3.4.O.)
- B. An aggrieved party may appeal the decision of the State Party within ten (10) days after being notified of the decision or after the twenty-first (21) day following the date on which the challenge was filed, whichever comes first. (See also Reg. 3.4.H.)

**Reg. 4.36. Rule 20.C.(1)**

- A. DNC members who shall be removed from a delegation pursuant to the imposition of the automatic reduction requirement provided for by this Rule shall include DNC members who are part of the delegation pursuant to Article I.E. of the *Call* and DNC members who are part of the delegation as a result of their election as a delegate in any other category.
- B. DNC members, including those subject to the automatic reduction sanction of this Rule, are ineligible to run for any delegate and alternate position.
- C. For purposes of Rule 20.C.(1)(b), internet advertising shall not constitute “campaigning” in a state unless such advertising takes the form of paid advertising on the

website of a publication or media outlet based in that state or on a website or web page targeted to persons in that state, or is paid or unpaid internet communication specifically targeted or limited to that state.

**Reg. 4.37.Rule 20.C.(2)**

A state delegation is subject to sanctions under this provision if its Plan provides or permits the pledged delegates or alternates to be allocated to presidential preference (including uncommitted status) other than as provided for in Rule 13.

**Reg. 4.38.Rule 20.C.(3)**

In states employing a multi-tier caucus system, the threshold shall be applied at the tier at which delegates to the National Convention are selected. Sanctions provided for herein shall not be applied for not applying the threshold at an earlier caucus stage.

**Reg. 4.39.Rule 21.C.**

A State Plan as approved by the Rules and Bylaws Committee may provide for a Party-run delegate selection process that complies with the 2012 Delegate Selection Rules even if state law provides for a different process.

**5. Regulations  
Supplementing the *Call  
for the 2012  
Democratic National  
Convention***

**Reg. 5.1. Article I.C.2.b.**

- A. Given that New Hampshire is authorized to hold its primary prior to the opening of the nominating calendar window and that Maine thus cannot neighbor any other states

in the window, for the purposes of Article I.C.2.b.i of the *Call*, Maine shall be considered to be neighboring each of the New England states of Vermont and Massachusetts.

- B. Given that Alaska and Hawaii are separated from the continental United States and thus cannot neighbor any other states, for the purposes of Article I.C.2.b.i of the *Call*, Alaska and Hawaii shall be considered to be neighboring each of the Pacific Northwest states of Washington and Oregon.
- C. Given that the Territories of American Samoa, Guam, the Commonwealth of Puerto Rico and the U.S. Virgin Islands and Democrats Abroad are separated from the continental United States and thus cannot neighbor any states and given that these entities share common interests of the United States, for the purposes of Article I.C.2.b.i of the *Call*, the Territories and Democrats Abroad shall be considered to be neighboring each other.

**Reg. 5.2. Article II.A.**

- A. Delegates and alternates selected pursuant to a Plan found in non-compliance by the RBC shall not be included on the list of delegates and alternates reported to the Secretary by the RBC for inclusion on the Temporary Roll of the 2012 Democratic National Convention.
- B. Delegates and alternates shall not be placed on the Temporary Roll until after the period during which a challenge may be brought pursuant to the Rules and Reg. 3.4 has expired and until no challenges to a Plan are pending.

- C. Pursuant to Rule 6.C.(2), a state's at-large delegates and alternates may not be included on the Temporary Roll until the RBC has determined that the state's delegation complies with the equal division requirements of the Rules.

**Reg. 5.3. Article IV.A.**

- A. Delegates and alternates certified to the Secretary pursuant to this Article shall be certified within ten days of the step of the process in which they were selected, not the conclusion of the state's entire delegate selection process.
- B. If a state's law provides that its delegates cannot be named until the Secretary of State (or Board of Elections) certifies the election results, the state's Delegate Selection Plan should so indicate and should provide a time frame in which the results are expected to be certified.
- C. If a state is subject to the certification process referred to in Reg. 5.3.B., its delegates and alternates must be certified to the Secretary within ten days of the certification process required by state law.

**Reg. 5.4. Article IV.B.**

- A. Delegates selected pursuant to Article IV.B shall be certified to the Secretary of the Democratic National Committee 10 days after the last determining step in a state's normal delegate selection process.
- B. The 10 day reporting deadline shall not be superseded by the June 20, 2012 delegate selection deadline.

**Reg. 5.5 Article IV.D.1.**

If a delegate dies or resigns within 48 hours of the time the first official session of the Convention is scheduled to convene, and is replaced by an alternate, which leaves the respective presidential candidate (or uncommitted status) without another alternate, the state delegation shall select an alternate to fill the vacancy. That replacement shall not be certified to the Secretary. However, in the event that the alternate subsequently replaces a delegate for a roll call vote, the replacement shall be reflected by the Delegation Chair on the official tally sheets.

**Reg. 5.6 Article IV.F.3.**

- A. Convention pages allocated to the states shall be selected by the State Democratic Chair (or by the Chair of a committee constituted pursuant to Rule 19.C.) in consultation with the members of the Democratic National Committee from the state, except those DNC members who are not recognized as delegates, pursuant to Rule 19.C. These pages shall be as evenly divided between men and women as possible, and shall reflect as much as possible the Affirmative Action and Inclusion guidelines in the state's Delegate Selection Plan.
- B. Each state Plan shall include the date on which Convention Pages shall be selected, provided that the Pages shall be certified within three (3) days of their selection and no later than the date by which the state certifies its standing committee members.

**Reg. 5.7 Article VII.B.3.**

Standing committee members selected pursuant to a Plan found in non-compliance by the RBC shall not be included on the membership roster by the DNC Secretary,

nor shall those individuals be allowed to participate as members at the standing committee meeting, nor shall they be afforded guest seating during the Convention as provided in Article V.C.(3) of the *Call*.

**Reg 5.8 Article VII.C.1.**

Pursuant to Rule 10.C., if a presidential candidate entitled to an allocation of standing committee members under this rule is no longer a candidate at the time the at-large delegates are selected, his or her allocation of standing committee members shall be proportionately divided among the other preferences entitled to an allocation.



## **Appendix A How to Apportion District Level Delegates**

The following examples illustrate the application of the four formulas provided in Rule 8.A. for apportioning District-Level delegates within the state or territory. (See also Reg. 4.11)

<p>Assume the following applies to the state:</p> <ol style="list-style-type: none"> <li>1. Total Congressional Districts (CD's) ..... 10</li> <li>2. District-Level Delegates to Apportion ..... 50</li> <li>3. Total Population             <ol style="list-style-type: none"> <li>a. Statewide ..... 5,000,000</li> <li>b. In CD #1 ..... 500,000</li> </ol> </li> <li>4. Registered Democrats as of January 1, 2012             <ol style="list-style-type: none"> <li>a. Statewide ..... 1,850,000</li> <li>b. In CD #1 ..... 120,000</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>5. 2008 Democratic Presidential Vote             <ol style="list-style-type: none"> <li>a. Statewide.....800,000</li> <li>b. In CD #1 .....97,000</li> </ol> </li> <li>6. 2008 Democratic Gubernatorial Vote             <ol style="list-style-type: none"> <li>a. Statewide.....1,000,000</li> <li>b. In CD #1 .....100,000</li> </ol> </li> <li>7. 2004 Democratic Presidential Vote             <ol style="list-style-type: none"> <li>a. Statewide.....740,000</li> <li>b. In CD #1 .....175,000</li> </ol> </li> <li>8. The Ave. Dem. Presidential Vote for 2008 and 2004             <ol style="list-style-type: none"> <li>a. Statewide.....770,000</li> <li>b. In CD #1 .....136,000</li> </ol> </li> </ol>
---	--

**FORMULA #1 Gives equal weight to the total population and to the average of the vote for the Democratic candidates in the two most recent presidential elections.**

The allocation fraction is: 
$$X = \frac{1}{2} \left( \frac{ACDV_{08/04}}{ACDV_{08/04}} + \frac{TCDP}{TSP} \right)$$

X.....Allocation Factor for CD#1	TSP.....Total State Population
TCDP.....Total Population for CD#1	ASDV.....Ave. State Dem. Vote for 2008 and 2004
ACDV.....Ave. CD Dem. Vote for 2008 and 2004	

or, in this example, the allocation formula looks like this: 
$$X = \frac{1}{2} \left( \frac{136,000}{770,000} + \frac{500,000}{5,000,000} \right)$$

which calculates as  $X = \frac{1}{2} \times (.177 + .100); = \frac{1}{2} \times (.277); = .139$ . The resulting Allocation Factor for CD #1 is then multiplied by the total number of district level delegates to determine how many delegates will be allocated to CD #1 ( $.139 \times 50 = 6.95$ ). This result is rounded up to 7. Thus, CD #1 is allocated 7 district level delegates.

**FORMULA #2 Gives equal weight to the vote for the Democratic candidates in the most recent presidential and gubernatorial elections.**

The allocation fraction is: 
$$Y = \frac{1}{2} \left( \frac{CDPV_{08}}{SDPV_{08}} + \frac{CDGV_{08}}{SDGV_{08}} \right)$$

Y.....Allocation Factor for CD#1	SDPV.....State Dem. Presidential Vote for 2008
CDPV.....CD Dem. Presidential Vote for 2008	ASDV.....State Dem. Governor Vote for 2008
CDGV.....CD Dem. Governor Vote for 2008	

or, in this example, the allocation formula looks like this: 
$$Y = \frac{1}{2} \left( \frac{97,000}{800,000} + \frac{100,000}{1,000,000} \right)$$



---

## Regulations of the Rules and Bylaws Committee

---

which calculates as  $Y = \frac{1}{2} \times (.121 + .100); = \frac{1}{2} \times (.221); = .111$ . The resulting Allocation Factor for CD #1 is then multiplied by the total number of district level delegates to determine how many delegates will be allocated to CD #1 ( $.111 \times 50 = 5.55$ ). This result is rounded up to 6. Thus, CD #1 is allocated 6 district level delegates.

**FORMULA #3**      **Gives equal weight to the average of the vote for the Democratic candidates in the two most recent presidential elections and to Democratic Party registration or enrollment as of January 1, 2012.**

The allocation fraction is:  $Z = \frac{1}{2} \left( \frac{ACDV}{ASDV} \frac{08}{04} + \frac{CDRD}{SRD} \right)$

Z.....Allocation Factor for CD#1	ASDV.....State Dem. Pres. Vote for 2008 and 2004
ACDV.....CD Dem. Pres. Vote for 2008 and 2004	SRD.....Statewide Registered Democrats
CDRD.....CD Registered Democrats	

or, in this example, the allocation formula looks like this:  $Z = \frac{1}{2} \left( \frac{136,000}{770,000} + \frac{120,000}{1,850,000} \right)$

which calculates as  $Z = \frac{1}{2} \times (.177 + .065); = \frac{1}{2} \times (.242); = .121$ . The resulting Allocation Factor for CD #1 is then multiplied by the total number of district level delegates to determine how many delegates will be allocated to CD #1 ( $.121 \times 50 = 6.05$ ). This result is rounded to 6. Thus, CD #1 is allocated 6 district level delegates.

**FORMULA #4**      **Gives a weight to each of the formulas above (numbers 1, 2 and 3).**

The allocation fraction is:  $\frac{1}{3} (X + Y + Z)$

The allocation for CD #1 calculates as:  $a \times (.139 + .111 + .121); = a \times (.371); = .124$ . The resulting Allocation Factor for CD #1 is then multiplied by the total number of district level delegates to determine how many delegates will be allocated to CD #1 ( $.124 \times 50 = 6.20$ ). This result is rounded to 6. Thus, CD #1 is allocated 6 district level delegates.

## Appendix B Method of Allocating Delegates by Proportional Representation

The following example shows how to calculate the allocation of district-level delegates by presidential preference, as required by Rule 13 (See Reg. 4.26).

The Congressional District (CD) used in this illustration has five delegates to be allocated. There were four presidential candidates in the election, and a total of 100 votes were cast. Keep the following point in mind:

A presidential candidate whose vote in a district does not attain the 15% threshold of the total vote cast for all candidates in the district shall not be entitled to be awarded any delegates. (Rule 13.B.) If no presidential candidate attains the 15% threshold, the threshold shall be the percentage of the vote received (at each level of the process) by the front-runner, minus 10%. (See Rule 13.F.)

In both primary and caucus states, delegates and alternates shall be awarded to those presidential preferences that meet or exceed the threshold percentage as follows:

**Step 1.** Calculate to three decimals the percentage of vote that each Presidential preference received.

*Example:*

<u>Candidate</u>	<u>Votes Rec'd</u>	<u>% of Vote</u>
A	46	.460
B	29	.290
C	21	.210
D	4	.040

**Step 2.** Identify those preferences who met the 15% threshold and total their sums. This will be the new base vote. Then recalculate to three decimals the percentage of the vote that each Presidential preference received against the new base vote.

*Example:* In Step 1 above, Candidate D did not meet the threshold, so the total vote of candidates exceeding the threshold is 96. The recalculated percentages for the remaining candidates are:

<u>Candidate</u>	<u>Base Votes Rec'd</u>	<u>New % of Vote</u>
A	46	.479
B	29	.302
C	21	.219