

**DEMOCRATIC NATIONAL COMMITTEE  
RULES AND BYLAWS COMMITTEE**

**Report on the Consideration of the Recommendations of the Unity Reform Commission by  
the Rules and Bylaws Committee**

*The purpose of this report is to provide a roadmap of principles pursuant to which the RBC will, where necessary, develop specific implementing rules for consideration by the full DNC.*

By resolution, the 2016 Democratic National Convention (the “Convention”) mandated the establishment of the Unity Reform Commission to review the presidential nominating process and recommend changes to help ensure the process is accessible, transparent and inclusive. Over the next year, the Unity Reform Commission held five public meetings. Each meeting involved robust discussion and the presentation of a wide range of viewpoints on how to best encourage participation in our presidential nominating process and build a stronger, more transparent Party. At its meeting in December of 2017, the Unity Reform Commission adopted its final report, the “Report of the Unity Reform Commission.”

Pursuant to the Convention resolution, the Unity Reform Commission transmitted its final report to the Rules and Bylaws Committee for consideration and action within six months. While aware of the full six-month timeline, the Rules and Bylaws Committee is committed to acting swiftly to affirm and move forward the important work of the Unity Reform Commission. After receiving the report, the Rules and Bylaws Committee promptly held two separate public meetings over four days. The Rules and Bylaws Committee welcomed the Co-Chairs of the Unity Reform Commission to present their report and engaged in an in-depth discussion of each and every recommendation contained within the report.

The Report of the Unity Reform Commission breaks the Commission’s recommendations down into four separate categories: (i) Unpledged Delegates; (ii) Primaries; (iii) Party Reforms; and (iv) Caucuses. Each category is addressed separately below. The Rules and Bylaws Committee generally agrees that the Unity Reform Commission’s recommendations are in accordance with the Convention Resolution, as demonstrated by this report. The Rules and Bylaws Committee is continuing its work in order to determine the best way to carry out the underlying principles behind the recommendations.

Following this report, the Rules and Bylaws Committee will bring to the full Democratic National Committee for its consideration and a vote on any and all necessary changes to the Charter and Bylaws of the Democratic Party of the United States as well as language for the 2020 Call for the Democratic National Convention and the Delegate Selection Rules for the 2020 Democratic National Convention. No changes or language for these rules shall be adopted without the approval of the entire Democratic National Committee.

**Section 1: Unpledged Delegates**

The Unity Reform Commission was mandated by the Convention resolution to make recommendations regarding automatic unpledged delegates, commonly known as “super

delegates,” and specifically, on how to require certain unpledged delegates to cast their votes at the Convention for candidates in proportion to the vote received for each candidate. The Commission thoroughly evaluated different ways to carry out this mandate and increase transparency, accountability and the power of the grassroots in the nominating process.

The Rules and Bylaws Committee agrees that the Party must revise the role and reduce the perceived influence that automatic unpledged delegates have in the presidential nominating process. The Rules and Bylaws Committee is working diligently to develop a transparent process and proposed set of rules that will best achieve this goal and be easily understood by the Party and the Public as a whole.

The Rules and Bylaws Committee will present its final proposal to the full membership of the Democratic National Committee for review and approval.

## **Section 2: Primaries**

The Rules and Bylaws Committee affirms the important goal of encouraging the use of primaries in the presidential nominating process to increase voter participation and grassroots engagement. It is crucial that all eligible persons participate in the electoral process, including the Democratic presidential nominating process.

The Rules and Bylaws Committee simultaneously acknowledges that in advancing these goals the Democratic National Committee must recognize that each State Party is unique. Each State Party maintains its own set of internal party rules and complies with a different set of state laws. The Rules and Bylaws Committee believes the Democratic National Committee can require best practices while also recognizing the individualized constraints and different circumstances faced by the various state parties.

Affirming and adopting the important goals and objectives of the Unity Reform Commission Report on primaries, it is important for the Democratic Party to:

- Encourage the expansion of the use of primaries wherever possible.
- Use all means, including encouraging legislation and undertaking litigation where feasible and appropriate, to achieve state laws that allow same-day or automatic registration for the Democratic presidential nominating process.
- Use all means, including encouraging legislation, changing Party rules, and undertaking litigation where feasible and appropriate, to achieve state laws that allow same-day party switching for the Democratic presidential nominating process.
- Use all means, including encouraging and opposing legislation, changing Party rules, and undertaking litigation where feasible and appropriate, to resist any attempts at voter suppression and disenfranchisement. Voter suppression and disenfranchisement includes, but is not limited to, laws or regulations that make it more onerous for people to vote as well as administrative actions or inactions related to issues such as the number and

placement of voting locations and the adequacy and accuracy of state voting rolls including party identification where required. In advance of the 2020 Democratic nominating process, the Democratic National Committee should identify such issues on a state-by-state basis and seek to remedy them prior to voting in 2020. This would include the timely pursuit of prospective judicial relief where feasible and appropriate.

- Use all means, including encouraging legislation, changing Party rules and undertaking litigation where feasible and appropriate, to achieve state laws that allow voters to switch parties at least as late as the deadline for registering to vote.
- Work together to develop a strategy to prioritize and resource education programs directly to voters in those states that, due to no fault of the Party, continue to have confusing timelines for registration, party affiliation, or the process for running for delegate in order to ensure everyone understands the rules and timelines in place and the impact they have on voter participation.

The Rules and Bylaws Committee will review the allocation of national delegates to ensure it reflects the principle of proportionality among the several jurisdictions, as well as review any bonus delegate allocations currently being used.

### **Section 3: Party Reforms**

The Unity Reform Commission was also mandated to make recommendations on how to create a stronger and more competitive Democratic Party. The Rules and Bylaws Committee affirms the important principles expressed by the Unity Reform Commission and agrees with its goals for strengthening our Party's commitment to those principles, as set forth below.

#### **A. Making the Party Competitive in All Regions of the Country**

The Rules and Bylaws Committee fully agrees and supports the Unity Reform Commission Report's conclusion that to strengthen our party, the Democratic National Committee must prioritize its involvement in elections up and down the ballot, in all regions of the country during presidential, midterm and special elections and work closely with state parties. The DNC's new #IWillVote Initiative is a strong example of DNC/State Party efforts to identify, engage, energize and turn out the vote in 2018 and beyond.

The Rules and Bylaws Committee wishes to emphasize that the Democratic National Committee, under the leadership of Chairman Perez, has made it a top priority to support and lift up Democratic candidates at every level and in every zip code. Through a number of programs, the Democratic National Committee has demonstrated its strong commitment to electing Democrats up and down the ballot, all across the country, already making great strides towards the objectives identified by the Unity Reform Commission. This important work must continue.

Affirming and adopting the important goals and objectives of the Unity Reform Commission Report on making the party competitive in all regions of the country, it is important for the Democratic National Committee to continue and further engage in the following actions:

- Continue to implement the DNC’s Winning with Partners Program and maximize engagement with our activists and partners to build coalitions to help our candidates win.
- Continue to make the appropriate investments in technology and data infrastructure to create and build organizing tools, ensure our voter file is modernized, protect our technology infrastructure from cyber threats, develop safeguards to help resist attempts by foreign actors to influence our elections through social media and digital means, and develop tools that can be used to help State Parties, campaigns and activists engage voters.
- Operate a program to boost innovation and share best practices between the Democratic National Committee, state parties, and campaigns. Specifically, the Party should act to ensure there are mechanisms to supply our candidates with the best possible data and that candidates in turn file updates and enhancements to the voter file with the Party.
- Engage Democratic National Committee members, grassroots activists and other allies in redistricting efforts in their states, in cooperation with the state parties. This comprehensive effort should include, but not be limited to, education about the process, engagement at the grassroots level, and investment in races to elect Democrats to Governors offices and state legislatures. The Democratic National Committee should also monitor redistricting efforts across the county and coordinate with allied groups on these efforts, where appropriate.
- Ensure that the Party has the resources to be competitive and to make the appropriate investments in infrastructure by continuing to take steps to diversify the donor base and specifically develop tools to proactively engage small dollar donors and share any best practices with state parties so that they can do the same at the local level.

B. Supporting and Growing State Parties & Increasing Grassroots Participation

Affirming and adopting the important goals and objectives of the Unity Reform Commission Report on supporting and growing state parties and increasing grassroots participation:

- The Party should encourage all Democrats to participate in all Party affairs and should take steps to educate and inform activists on the process to run for leadership positions throughout the Party infrastructure at all levels while observing each state’s unique processes.
- State Party budgets should be appropriately transparent.
- The increased investment in state parties should be maintained and possibly expanded over the course of the cycle. The Democratic National Committee should continue to maintain the “50 State-Strategy” with recommendations for the program and financial goals by the leaders and members of the Association of State Democratic Committees.

- Accountability metrics should be in place with state party programs such as the State Innovation Grants to ensure that the resources are being used to effectively grow the state parties, engage members of diverse constituencies and viewpoints, increase voter registration, ensure sufficient organizing staff, and institutionalize training for staff, activists and candidates.
- State parties should explore the best way to mobilize, train, and engage grassroots activists. This could include holding hearings or listening sessions so that party organizers and activists share their thoughts on how Democrats can be most effective organizing in their respective states.
- State parties must have an open and transparent path to leadership including membership on the Democratic National Committee that depends on member engagement and not engagement by leadership alone. State parties must provide clear and timely information on party leadership positions, deadlines and nominating requirements on their websites.

C. Operating in a Manner that is Open and Transparent

Affirming and adopting the important goals and objectives of the Unity Reform Commission Report on operating in a manner that is open and transparent:

- The Rules and Bylaws Committee will conduct a regular review, every four years, of the Charter and Bylaws. Such review will take place at the Rules and Bylaws Committee meeting following the presidential general election.
- The Democratic National Committee shall adopt a detailed financial conflicts of interest policy that expands on the Charter's conflicts/ethics policy (Article One, Section 7) that applies to officers, employees and independent contractors and is modeled from best practices of other entities or government legislative bodies.
- The Democratic National Committee needs to have a clear process for addressing alleged violations by elected or appointed Officers of the Charter and Bylaws. To that end, the Rules and Bylaws Committee will develop a mechanism for review and timely disposition of complaints alleging violations of the Charter and Bylaws outside of the clearly established jurisdiction of the existing standing committees of the Democratic National Committee.
- Nominations to Democratic National Committee positions should reflect the divergent views in our party as well as the diversity of our members. Accordingly, there must be real and effective notice around every aspect of the nomination process for Democratic National Committee positions, especially given the ability of Democratic National Committee members to nominate slates of candidates. The Rules and Bylaws Committee will continue to review all required notifications to ensure that these critical goals are accomplished.

- Given concerns about the level of transparency with the budgetary process at the Democratic National Committee, the Rules and Bylaws Committee reaffirms the critical importance of Article Two, Section 10, subsection (e)(ii) of the Democratic National Committee's Bylaws which provides that the Budget and Finance Committee shall review the budget of the Democratic National Committee on an on-going basis and make periodic reports, including an annual report to the Executive Committee and the full Democratic National Committee on the goals, purposes of expenditures and results of expenditures. The Budget and Finance Committee should issue its annual report in writing to ensure full transparency and accessibility to the information.
- Any and all contracts and expenditures exceeding \$100,000 annually must receive prior approval from the Democratic National Committee Chair or the Chair's designee(s). As a part of any proposal, all vendors shall be required to disclose the composition of their leadership and the diversity of their organization. The Democratic National Committee shall set a goal for vendor diversity and contract bidding at the national, state and local levels where possible.
- All agreements with the presidential campaigns shall be transparent among the campaigns to ensure that no candidate participating in our presidential nominating process gains any unfair advantage - real or perceived - during our primary season.
- The Democratic National Committee shall convene regular meetings with representatives from each of the campaigns where all relevant information concerning the Party's activity relating to the nominating process and general election planning is supplied in a uniform manner.
- Any and all Joint Fundraising Agreements (JFA) or Memorandum of Understanding (MOU) with campaigns shall be transparent to members of the Democratic National Committee and available to all official campaigns. The proceeds of such JFAs or MOUs shall be used for the general election. To ensure the Party has the necessary resources to conduct a vigorous general election effort, the Democratic National Committee is encouraged to take steps to ensure all Democratic candidates participate in Democratic National Committee fundraising events and solicit their own supporters to assist in general election efforts. The Democratic National Committee, the state parties and the respective presidential campaigns should work together to determine the best ways to use resources raised under these agreements. The Democratic National Committee should also take steps to ensure that state parties fully understand the financial terms of any agreements they enter into.
- Particularly in cycles where there are multiple presidential candidates, many campaigns and/or the Democratic National Committee may choose to use vendors or consultants who work for multiple campaigns or the Democratic National Committee. To avoid any actual or perceived conflict, no such vendor or consultant shall participate on behalf of any candidate or the Democratic National Committee in a dispute between the Democratic National Committee and a candidate.

D. Strengthening an Inclusive and Participatory Culture at the Democratic National Committee

Affirming and adopting the important goals and objectives of the Unity Reform Commission Report on strengthening an inclusive and participatory culture at the Democratic National Committee:

- Democrats should work together to create an informed electorate, realizing that tolerance for internal debate and disagreement is an element of Party building and key to engaging each other and our external opponents in a spirit of civil discourse.
- Leadership shall provide more avenues for input and discussion at Democratic National Committee meetings. These meetings should be structured to provide more time for member and activist input on important issues, including key races, organizing priorities and member concerns.
- The Democratic National Committee shall hold regular post-election debriefs after key races to discuss the strategies that were effective in mobilizing our base, best practices, and areas that require further improvement. This should include a detailed report on the nature and composition of party vendors and their diversity.

E. Building on the Great Diversity of our Party

Affirming and adopting the important goals and objectives of the Unity Reform Commission Report on building on the great diversity of our Party:

- The Democratic National Committee shall continue to develop a comprehensive outreach and engagement strategy to reach, engage and mobilize the full diversity of our Party, including our core constituencies as identified in the 2016 Delegate Selection Rules 5, 6, and 7.
- The Democratic National Committee shall work with partner organizations and allies to develop training opportunities on running for office and working in politics targeted and accessible to the full diversity of our Party, including our core constituencies as identified in the 2016 Delegate Selection Rules 5, 6 and 7.
- The Democratic National Committee shall work with state parties to develop a pipeline of opportunity and facilitate connections that are focused on the full diversity of our Party, including our core constituencies, as identified in the 2016 Delegate Selection Rules 5, 6 and 7, so that they can easily become involved in the Party operation and empower them to act and organize.
- The Democratic National Committee shall develop a concentrated outreach strategy by the national Party and work with state, and local parties to make the Party more accessible to our diverse constituencies and ensure that we are not just talking to but engaging with and empowering these critical constituencies within our Party.

- The Democratic National Committee shall continue to work to strengthen, energize, and activate the DNC caucuses and councils and their state affiliates.

F. Connecting Our Values and Our Actions

The Unity Reform Commission Report stresses that for many voters, the only contact they have with our Party at the state and local level is when we solicit money or canvas for votes. The Democratic National Committee should continue to prioritize grassroots focused efforts of neighbors helping neighbors and notes the important steps that the Democratic National Committee has already taken on these programs.

The Democratic National Committee should advance Dems For You, and continue to develop a service-oriented program for the National and State Parties that connects our values and our actions and works to establish the Democratic Party as the Party that most cares about and best serves the interests of the people.

G. Promoting and Protecting the Vote

Affirming and adopting the important goals and objectives of the Unity Reform Commission Report on promoting and protecting the vote, the Democratic Party must champion and continue to fight for the right to vote, including by:

- Supporting the full restoration and enforcement of the Voting Rights Act.
- Incorporating pro-voter policy positions into all Democratic Party platforms, including: voter registration modernization, including online voter registration and automatic voter registration; support for expanded access to voting before Election Day, including early vote, no excuse absentee, same-day voter registration, portability and party switching, and vote by mail; restoration of voting rights to all people who have served the time for their criminal conviction; counting ballots from voters who are eligible to vote but cast their ballot in the wrong precinct, for offices for which they are eligible to vote; and secure, transparent, and accurate state voter registration list maintenance practices, so that every eligible American who registers to vote stays on the rolls and that their personal information is protected.
- Maximizing opportunities for protecting the vote at all stages of the voting process— from recruiting official poll workers to observing the post-election canvass of voters.
- Advocating that state election officials be provided with the necessary security clearances to protect the vote from foreign interference.
- Making all voting incident data collected by Democratic Party poll observers available to State Parties and candidates up and down the ticket so that this information can be incorporated into voting rights advocacy efforts.

- Offering data analysis on the specific problems faced by historically disenfranchised communities and at specific polling places.
- Conducting and communicating research on messaging regarding the right to vote, which fosters voter participation.
- Developing and maintaining effective and secure technologies that facilitate the real-time collection of voting incident data and the management of Democratic poll observers on Election Day. Voting systems must be updated and secured including by providing paper trails.
- Maintaining a national hotline that voters may contact to get accurate information about registration and voting and receive assistance with voting problems.
- Maintaining a database of Democratic poll observers that may be activated in the upcoming election cycle.
- Serving as a clearinghouse for materials from past campaigns, including election law manuals and materials necessary for training voter protection volunteers.
- Advocating for access to multilingual voting materials as needed.
- Advocating for voting locations and materials that are accessible, fairly placed, and adequate in number.

#### **Section 4:   Caucuses**

Caucuses play an important role in our presidential nominating process and it is critical that caucuses be inclusive, transparent and accessible as possible.

Affirming and adopting the important goals and objectives of the Unity Reform Commission Report on caucuses:

- The Democratic National Committee shall work with State Parties to adopt caucus state delegate selection plans for presidential nominating caucuses that:
  - Provide for a mechanism with reasonable safeguards against error and fraud to vote absentee or vote early;
  - Demonstrate that the submitting State Party has the financial and technical ability to successfully run the caucus;
  - Provide for same-day voter registration and party-affiliation changes at the caucus location;

- Provide for public reporting of the total statewide vote counts for each candidate based on the first expression of preference by caucus participants;
  - Require votes for the presidential nominating process to be cast in writing and securely preserved, in a method to be determined in each plan, to ensure an accurate recount or recanvass is available;
  - Include the standard and procedure by which a recount or recanvass can be requested by a presidential candidate, paid for and carried out in a timely manner;
  - Lock the allocation of all national delegates, based on the initial round of voting subject to recount.
- The Democratic National Committee shall work with the state parties to create consistent standards and guidelines across all caucuses that allow for the implementation of best practices for information dissemination and reporting of votes. The Democratic National Committee should also explore technology resources available to support State Parties in creating a tracking and reporting system that states can use to streamline the registration and reporting process.
  - That appropriate steps be taken to ensure caucus voters, like those in primary states, have a right to participate in the caucus process. These steps should include any required rules changes and the proper education and outreach to ensure accessibility, including specifically for people with disabilities and for people with limited English proficiency in accordance with Section 203 of the Voting Rights Act and that the right to caucus is enshrined in our process at every level.