

# Call

## For the 2004 Democratic National Convention

Issued by the  
Democratic Party  
of the United States

Terence R. McAuliffe, *Chairman*

*Adopted by the Democratic National Committee  
at its meeting August 10, 2002.*

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# Table of Contents

<b>Article</b>	<ul style="list-style-type: none"> <li>I. Distribution of Delegate Votes . . . . . 1</li> <li>II. Qualifications of State Delegations . 3</li> <li>III. Delegate Selection Deadline . . . . . 4</li> <li>IV. Certification Requirements . . . . . 4</li> <li>V. The 2004 Democratic National Convention Committee, Inc. . . . . 5</li> <li>VI. Presidential Candidates . . . . . 7</li> <li>VII. Standing Committees on Platform, Rules, and Credentials of the 2004 Democratic National Convention . . . . . 7</li> <li>VII. Procedural Rules of the 2004 Democratic National Convention 12</li> </ul>
<b>Appendix A.</b>	<ul style="list-style-type: none"> <li>Relationship Between the 2004 Rules of Procedure of the Credentials Committee and the 2004 Delegate Selection Rules . . . . . 19</li> <li>Rules of Procedure of the Credentials Committee of the 2004 Democratic National Convention . . . . . 19</li> </ul>
<b>Appendix B.</b>	<ul style="list-style-type: none"> <li>Delegate / Alternate Allocation . 27-30</li> </ul>
<b>Appendix C.</b>	<ul style="list-style-type: none"> <li>Allocation of Convention Pages . . 31</li> </ul>
<b>Appendix D.</b>	<ul style="list-style-type: none"> <li>Allocation of Standing Committee Members . . . . . 32</li> </ul>

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# Call

## For the 2004 Democratic National Convention

*Adopted by the Democratic National Committee  
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### **To Whom It May Concern:**

By authority of the Democratic National Committee, the National Convention of the Democratic Party is hereby scheduled to convene at a date to be announced, at the location to be announced, 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 2004 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>

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

- B. A base of 3,000 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:

$$A = \frac{1}{2} \left( \frac{SDV\ 1992 + SDV\ 1996 + SDV\ 2000}{TDV\ 1992 + TDV\ 1996 + TDV\ 2000} + \frac{SEV}{538} \right)$$

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 3,000. Fractions of .5 and above are rounded up to the next highest integer.

- C. Fifteen percent (15%) of the base delegate votes determined pursuant to paragraphs B and D 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.
- D. American Samoa, Guam and the Virgin Islands will each receive three (3) at-large delegate votes. Democrats Abroad will receive six (6) at-large and one (1) pledged Party and Elected Official delegate votes. Puerto Rico will receive forty-four (44) base delegate votes.
- E. 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 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*.

- F. 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 Chairs 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.
- G. 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>
- H. In addition to the delegates allocated to the delegations pursuant to paragraphs B, C, D, E, F and G, each state, territory or commonwealth shall select a number of unpledged add-on delegates equivalent to one (1) such delegate for every four (4) votes on the Democratic National Committee from that state, territory or commonwealth, pursuant to Rule 8.B. of the Delegate Selection Rules. Fractions of .5 and above are rounded up to the next highest integer. Notwithstanding the above calculation, the District of Columbia shall be allocated two (2) unpledged add-on delegates.<sup>5</sup>

<sup>2</sup> Former Chairs 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.

<sup>5</sup> The District of Columbia shall select its Statehood Representative, if a Democrat, as one of its two (2) unpledged add-on delegates.

- I. Each state, the District of Columbia and Puerto Rico may select a number of alternates equivalent to one (1) alternate for every six (6) Convention votes received by it pursuant to paragraphs B, C and D, provided, however, that each such delegation shall have at least four (4) 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 F, 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 2004 Democratic National Convention, the Call for the 2004 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 2004 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 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 2004 Democratic National Convention adopted by the Democratic National Committee on January 18, 2002, and that 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. Distribution of Delegate Votes

All state parties are required to take all steps necessary and appropriate to complete the process of selecting delegates to the 2004 Democratic National Convention no later than June 19, 2004.

### 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 within three (3) days after their election. For the purposes of this Call, the Chair of a committee constituted pursuant to Rule 19.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 8.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, Majority Leaders of the United States Senate, Speakers of the United States House of Representatives, and Chairs of the Democratic National Committee.
2. Each state's Democratic Chair shall certify in writing to the Secretary of the Democratic National Committee the selection of the state's unpledged add-on delegates to the Democratic National Convention selected

pursuant to Article I.H. within three (3) days after their selection.

C. 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 17 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.
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 and unpledged add-on delegates selected pursuant to Article I.H. 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 2004 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. and I.H. of this Call shall not be entitled to name a replacement, nor shall the state be entitled to a replacement.
- D. 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.
- E. Convention Pages:
  - 1. A. base of 150 Convention Pages shall be allocated among the 56 delegations as follows:<sup>6</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 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 19, 2004.

- F. 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 2004 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 2004 Democratic National Convention Committee, Inc. (the "DNCC") for the 2004 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 2004 Democratic National Convention.
- C. The DNCC shall make every effort to exercise its authority in accordance with the following guidelines, subject to Rule 19.C. of the Delegate Selection Rules:

<sup>6</sup> See Appendix C for the allocation of Convention Pages.

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 installed 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 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 2004 Democratic National Convention

The Democratic National Committee, acting under its authority to issue the Call and establish the standing committees of the National Convention, hereby creates and organizes the Standing Committees on Platform, Rules, and Credentials of the 2004 Democratic National Convention. The jurisdiction and rules of procedure of each standing committee are set forth in this Call to the 2004 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 19.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>7</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

<sup>7</sup> See **Appendix D** for the allocation of standing committee members.

- 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 states's delegates shall be present. Such meeting shall be held in accordance with procedures 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 19, 2004.
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 I.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 I.B.3.
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 12.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 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 11.D.(1) of the 2004 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.
- F. Chairs of Standing Committees:
1. The Chair 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, Co-Chair or Vice Chair thereof shall not have any voting privileges on the standing committees, except that the Chair may vote in the case of a tie.
  3. The Chair 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. Temporary Standing Committee Members:
1. In the event that a standing committee meeting is held prior to the election of a state's standing committee members, a state may select temporary members for those standing committee member positions.
  2. The selection must take place at an open well publicized meeting of the State Party's governing body. The procedures for selection must be approved by the DNC Rules and Bylaws Committee.
3. Members selected as temporary standing committee members under this provision serve only in the event that a standing committee is called to meet prior to completion of the state's delegate selection process. No such member may continue to serve after the permanent standing committee members are selected unless he or she is elected as a permanent member pursuant to the provisions on Section B of this Article.
  4. Substitutions in a state's list of temporary standing committee members may only be made up to 10 days prior to the time the standing committee meets.
- H. 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 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 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 of the Platform Committee, shall appoint fifteen (15) persons, to serve on a Platform Drafting Committee and the National Chairperson of the Democratic National Committee shall appoint the Chair thereof. In addition, one (1) non-voting member may be appointed by each presidential candidate to serve on the Drafting Committee. The Platform Drafting Committee is not considered a subcommittee of the Platform Committee as defined in Article I.A.6. The Drafting Committee 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 percent (20%) of the total votes of the Platform 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.
  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.
- I. 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 of the Rules Committee with reasonable notice to the members.
  3. Upon the request of members representing twenty percent (20%) 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.
- J. 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 2004 Rules of Procedure of the Credentials Committee and the 2004 Delegate Selection Rules," which includes the "Rules of Procedure of the Credentials Committee of the 2004 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 percent (20%) 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 2004 Democratic National Convention

The following Procedural Rules shall serve as the Temporary Rules of Procedure for the 2004 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 2004 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.

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| <p>a. The Temporary Chair shall recognize the Chair 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 upon by the Convention. The Chair 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.</p> <p>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.</p> <p>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.</p> <p>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</p> | <p>report and shall present a new report to the Convention as soon as possible.</p> <p>2. Report of Rules Committee: The Temporary Chair may then recognize the Chair 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.</p> <p>3. Convention Chair: The Convention shall proceed to elect the Permanent Convention Chair in the following manner:</p> <p>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 2004 Democratic National Convention shall be a male.</p> <p>b. The Chair 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.</p> <p>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.</p> <p>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.</p> <p>4. Convention Co-Chairs: The Convention shall proceed to elect</p> |
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- 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 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 nor 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.
  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 of Article VI of this Call and Rule 11.K. of the 2004 Delegate Selection Rules shall be considered a vote for "Present."
    - 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.
  - d. Balloting will continue until a nominee is selected. The nominee shall become the candidate of the Democratic Party of the United States for the Office of President upon

- receiving a majority vote of the Convention's delegates.
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 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 I.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 according to the rules to cast the vote. In no case may an alternate cast a vote for a delegate allocated under I.E., I.F., I.G. or I.H. 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.
- 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 ( $\frac{2}{3}$ ) 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.
- 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 2004 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 2004 Rules of Procedure of the Credentials Committee and the 2004 Delegate Selection Rules**

Under Rule 19.B. of the 2004 Delegate Selection Rules, the Rules and Bylaws Committee has jurisdiction over challenges pertaining to the submission, non-implementation and violation of state Delegate Selection and Affirmative Action Plans. The following "Rules of Procedure of the Credentials Committee of the 2004 Democratic National Convention" describes the procedure for considering challenges once the Credentials Committee assumes responsibility for the challenge process as otherwise described in Rule 19.B.

All delegates and alternates to the 2004 Democratic National Convention shall be selected in accordance with the 2004 Delegate Selection Rules and the 2004 Call. Only delegates and alternates selected under a delegate selection system approved by the DNC Rules and Bylaws Committee pursuant to the 2004 Delegate Selection Rules shall be placed on the Temporary Roll of the 2004 Democratic National Convention.

All challenges to the credentials of delegates and alternates to the 2004 Democratic National Convention shall be processed in accordance with the "Rules of Procedure of the Credentials Committee of the 2004 Democratic National Convention."

## **Rules of Procedure of the Credentials Committee of the 2004 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 18.E. of the Delegate Selection Rules.'

## 2. Parties

A. Challenging Parties: A challenge to the credentials of any delegate or alternate to the 2004 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:

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 pendency 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, 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, 2004 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 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 I.A.; and the name, address and telephone number 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.
  2. A statement as to whether the standing under Section I.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 I.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.

- 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 I.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 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 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 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 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 I.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 in Washington, D.C., or elsewhere at the call of the Chair 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 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 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 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 of the committee, generally not to exceed fifteen (15) minutes.
2. The Chair of the committee may require parties to consolidate or separate their challenges or defense for purposes of oral argument.
3. The Chair 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, 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.
- 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 of the committee shall have the authority to waive any provision of these rules other than Sections I.B. and 5:.
- B. In the case of any challenge filed on or after the 56th calendar day before the convention begins, the Chair 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.