

Delegate Selection Rules

**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 January 19, 2002.*

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Delegate Selection Rules

For the 2004 Democratic National Convention

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1. Publication and Submission of State Party Rules

- A. State parties shall adopt Affirmative Action and Delegate Selection Plans which contain explicit rules and procedures governing all aspects of the delegate selection process. These rules shall include, but are not limited to:
 - (1) Procedures for electing and certifying delegates and alternates at all levels;
 - (2) Timing of primary/caucuses/conventions;
 - (3) Procedures providing for equal division in each state's convention delegation;

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| <ul style="list-style-type: none"> (4) Procedures providing for the selection of the chair of the delegation; (5) Particulars concerning the scheduling of delegate selection meetings including methods by which each meeting or event will be publicized; (6) Affirmative Action Plans in detail including affirmative action obligations of presidential candidates; (7) All petition requirements and filing deadlines for delegate and alternate candidates and for presidential candidates; (8) Procedures for ascertaining delegate/alternate preference at all stages; (9) Procedures for presidential candidate right of approval; (10) Method of awarding delegates and alternates to presidential candidates; (11) Methods and timetable for the selection of permanent standing committee members; (12) Methods and timetable for the selection of temporary standing committee members; (13) Procedures for challenges of the delegate selection and affirmative action processes; (14) Methods and timetable for the selection of convention pages; and (15) Other appropriate provisions from these Rules, the Call and the Regulations. <p>B. The following items are to be routinely included at an appropriate place in each state plan:</p> <ul style="list-style-type: none"> (1) Eligibility requirements for participation in the delegate selection process in conformance with Rule 2 [Rule 2]; | <ul style="list-style-type: none"> (2) Prohibition of cost and fees [Rule 2.D.]; (3) Prohibition of participation by those participating in another party's process [Rule 2.E.]; (4) One-meeting limitation for first-stage participants [Rule 3.E.]; (5) "Six basic elements" of an open party [Rule 4]; (6) Non-discrimination principles [Rule 5]; (7) Requirement that all steps take place within calendar year of convention [Rule 10.B.]; (8) Required identification of preference of candidates for delegate and alternate [Rule 11.A.]; (9) Protection against coerced vote [Rule 11.I.]; (10) Quorum requirements [Rule 14]; (11) Proxy voting rules, if any [Rule 15]; (12) Unit rule prohibition [Rule 16.A.]; (13) Slate making limitations [Rule 16.B.]; and (14) Succession of alternates to delegate status and filling of vacancies in delegate positions [Rule 17]. <p>C. Each state party shall provide for a thirty (30) day¹ period of public comment to solicit opinion on the state's Affirmative Action Plan and Delegate Selection Plan prior to adoption. All written public comments submitted to the state Democratic Committee shall be submitted along with the plans to the Rules and Bylaws Committee of the Democratic National Committee ("DNC Rules and Bylaws Committee").</p> <p>D. State Delegate Selection and Affirmative Action Plans shall be submitted to the DNC Rules and Bylaws Committee for approval on or before May 1, 2003.</p> |
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¹ Unless otherwise explicitly specified, reference in these Rules to "day" or "days" means "calendar days." If the last day of a period falls on a Saturday, Sunday or a federally recognized holiday, the time period shall be extended to the next business day.

- E. The DNC Rules and Bylaws Committee shall act on the proposed plans as soon as practicable, but in no case later than September 16, 2003, or four months before the respective state's first determining step, whichever is earlier. Its decision shall be final and binding.
- F. Implementation of state Affirmative Action Plans shall begin no later than September 16, 2003, or four months before the respective state's first determining step, whichever is earlier.
- G. State Delegate Selection Plans shall specify the methods and timetable to be followed in selecting permanent and temporary members of standing committees of the national convention. These procedures shall be in conformity with the rules to be contained in the Call for the 2004 Convention.
- H. The Democratic National Committee ("DNC") and the state parties shall publish and make available at no cost their rules, the 2004 National Delegate Selection Rules, and a clear and concise explanation of how Democratic voters can participate in the delegate selection process. The DNC shall prepare and provide at no cost to state parties a clear and concise explanation of the 2004 Delegate Selection Rules. This shall be done no later than October 1 of the calendar year immediately preceding the calendar year of the national convention.

2. Participation

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

- C. State parties shall take all feasible steps to encourage non-affiliated and new voters to register or enroll, to provide simple procedures through which they may do so and to eliminate excessively long waiting periods for voters wishing to register or to change their party enrollment status. In all caucuses or conventions conducted pursuant to these rules, all Democrats who comply with Rule 2.A, 2.A.(1), 2.A.(2). shall be allowed to participate.
- D. At no stage of the delegate selection process shall any person be required, directly or indirectly, to pay a cost or fee as a condition for participating in the delegate selection process. Voluntary contributions to the Party may be made, but under no circumstances shall a contribution be mandatory for participation.
- E. No person shall participate or vote in the nominating process for a Democratic presidential candidate who also participates in the nominating processes of any other party for the corresponding elections.

3. Scheduling of Delegate Selection Meetings

- A. All official Party meetings and events related to the national convention delegate selection process, including caucuses, conventions, committee meetings, filing dates, and Party enrollment periods, shall be scheduled for dates, times and public places which would be most likely to encourage the participation of all Democrats, and must begin and end at reasonable hours.
- B. All such meetings or events which are the first meeting or event in the delegate selection process shall be scheduled at times and dates which are uniform throughout the state, except where it is established by the state party and approved by the DNC Rules and Bylaws Committee that such uniform times and dates would significantly reduce participation in the delegate selection process.
- C. The times, dates, places, and rules for the conduct of all caucuses, conventions, meetings and other events involved in the

delegate selection process shall be effectively publicized by the Party organization, official, candidate or member calling the same.

- D. Concise statements in advance of all meetings and events concerning the relationship between the business to be conducted and the delegate selection process shall be effectively publicized by the Party organization, official, candidate or member calling the same.
- E. No person shall participate in more than one meeting which is the first meeting in the delegate selection process.

4. An Open Party

- A. The Democratic National Committee reaffirms its commitment to the 1964 resolution, and requires the national and state parties to incorporate the Six Basic Elements, as updated, into their Party rules and to take appropriate steps to secure their implementation.
- B. The 1964 Democratic National Convention adopted a resolution which conditioned the seating of delegates at future conventions on the assurances that discrimination in any state party affairs on the ground of race, color, creed or national origin did not occur. The 1968 Convention adopted the 1964 Convention resolution for inclusion in the Call for the 1972 Convention. In 1966, the Special Equal Rights Committee, which had been created in 1964, adopted six anti-discrimination standards — designated as the Six Basic Elements, which, as updated, are as follows:
 - (1) All public meetings at all levels of the Democratic Party in each state should be open to all members of the Democratic Party regardless of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, economic status or physical disability (hereinafter collectively referred to as “status”).
 - (2) No test for membership in, nor any oaths of loyalty to, the Democratic Party in any state should be required or used which has the effect of requiring prospective or current members of the Democratic Party to acquiesce in, condone or

support discrimination based on “status.”

- (3) The time and place for all public meetings of the Democratic Party on all levels should be publicized fully and in such manner as to assure timely notice to all interested persons. Such meetings must be held in places accessible to all Party members and large enough to accommodate all interested persons.
 - (4) The Democratic Party, on all levels, should support the broadest possible registration without discrimination based on “status.”
 - (5) The Democratic Party in each state should publicize fully and in such a manner as to assure notice to all interested parties a full description of the legal and practical procedures for selection of Democratic Party officers and representatives on all levels. Publication of these procedures should be done in such fashion that all prospective and current members of each state Democratic Party will be fully and adequately informed of the pertinent procedures in time to participate in each selection procedure at all levels of the Democratic Party organization.
 - (6) The Democratic Party in each state should publicize fully and in such a manner as to assure notice to all interested parties a complete description of the legal and practical qualifications of all positions as officers and representatives of the state Democratic Party. Such publication should be done in timely fashion so that all prospective candidates or applicants for any elected or appointed position within each state Democratic Party will have full and adequate opportunity to compete for office.
- C. These provisions demonstrate the intention of the Democratic Party to ensure a full opportunity for all “status” (as defined in Rule 4.B.(1)) members to participate in the delegate selection process.

5. Non-Discrimination

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

6. Affirmative Action

- A. In order to encourage full participation by all Democrats in the delegate selection process and in all Party affairs, the national and state Democratic Parties shall adopt and implement affirmative action programs with specific goals and timetables for African Americans, Hispanics, Native Americans, Asian/Pacific Americans and women.
 - (1) The goal of such affirmative action shall be to encourage participation in the delegate selection process and in Party organizations at all levels by the aforementioned groups as indicated by their presence in the Democratic electorate.
 - (2) This goal shall not be accomplished either directly or indirectly by the Party's imposition of mandatory quotas at any level of the delegate selection process or in any other Party affairs.
 - (3) In the selection of each state's at-large delegation, priority of consideration shall be given to African Americans, Hispanics, Native Americans, Asian/Pacific Americans and women, if such priority of consideration is needed to

fulfill the affirmative action goals outlined in the state's Delegate Selection Plan. Such remedial action is necessary in order to overcome the effects of past discrimination. Use of the at-large delegation to fulfill the plan's affirmative action goals does not obviate the need for the state party to conduct outreach activities such as recruitment, education and training. Priority of consideration shall also be given to other groups as described in Rule 5.(C), which are under-represented in Democratic Party affairs, in order to assist in the achievement of full participation by these groups.

- B. Performance under an approved Affirmative Action Plan and composition of the convention delegation shall be considered relevant evidence in the challenge to any state delegation. If a state party has adopted and implemented an approved affirmative action program, the state party shall not be subject to challenge based solely on delegation composition or primary results.
- C. State Delegate Selection Plans shall provide for equal division between delegate men and delegate women and alternate men and alternate women within the state's entire convention delegation. For purposes of this rule, the entire delegation includes all pledged delegates and alternates and unpledged delegates (including unpledged party leaders and elected official delegates and unpledged add-on delegates).
 - (1) State Delegate Selection Plans shall, as far as mathematically practicable, also provide for equal division between district-level delegate men and delegate women and district-level alternate men and alternate women.
 - (2) The DNC Rules and Bylaws Committee shall have continuing jurisdiction to ensure compliance with this equal division requirement. No at-large delegate or alternate from a state shall be placed on the temporary roll of the 2004 Democratic National Convention unless the Rules and Bylaws Committee has certified to the

Secretary of the Democratic National Committee that such state's delegation complies with this equal division rule. It shall be the duty of the DNC Rules and Bylaws Committee to determine such compliance as soon as practicable following the certification of the state's at-large delegates and alternates.

- (3) Notwithstanding sub-paragraph A.(2) above, equal division at any level of delegate or committee positions between delegate men and delegate women or committeemen and committeewomen shall not constitute a violation of any provision thereof.
- D. For purposes of providing adequate notice of the delegate selection process under Rule 3, the times, dates, places and rules for the conduct of all caucuses, conventions, meetings and other events involved in the delegate selection process shall be effectively publicized, bilingually where necessary, to encourage the participation of minority groups.
- E. State Democratic Parties shall ensure that district lines used in the delegate selection process are not gerrymandered to discriminate against African Americans, Hispanics, Native Americans, Asian/Pacific Americans or women.
- F. Each state Affirmative Action Plan shall provide for the appointment of a representative state Affirmative Action Committee by March 1, 2003. Before the state party submits its Plan to the DNC Rules and Bylaws Committee, the Affirmative Action Committee shall review the proposed outreach program required in Rule 5.C.
- G. Each state affirmative action program shall include outreach provisions to encourage the participation and representation of persons of low and moderate income, and a specific plan to help defray expenses of those delegates otherwise unable to participate in the national convention.
- H. State parties in their Delegate Selection Plans shall impose reasonable specific affirmative action obligations upon

candidates consistent with the delegate selection system employed by the state.

- (1) State parties shall require presidential candidates to submit statements that specify what steps such candidates will take to encourage full participation in their delegate selection process, including, but not limited to, procedures by which persons may file as candidates for delegate or alternate.
- (2) State parties shall require presidential candidates to submit demographic information with respect to candidates for delegate and alternate pledged to them.
- I. Presidential candidates (including uncommitted status) shall use their best efforts to ensure that their respective delegations at each level within a state's delegation shall achieve the affirmative action goals established by the state's Delegate Selection Plan and that the respective delegations of each presidential candidate within the state's delegation shall be equally divided between men and women.

7. National Convention Delegate Apportionment

- A. Apportionment of district-level delegates within states shall be based on one of the following:
- (1) A formula giving equal weight to total population and to the average of the vote for the Democratic candidates in the two most recent presidential elections;
- (2) A formula giving equal weight to the vote for the Democratic candidates in the most recent presidential and gubernatorial elections;
- (3) A formula giving equal weight to the average of the vote for the Democratic candidates in the two most recent presidential elections and to Democratic Party registration or enrollment as of January 1, 2004; or

- (4) A formula giving one-third ($\frac{1}{3}$) weight to each of the formulas in items (1), (2), and (3).
- B. Apportionment for each body selecting delegates to state, district, and county conventions shall be based upon population and/or some measure of Democratic strength.
- C. The Call for the 2004 Convention shall state the base delegation for each delegation. Seventy-five percent (75%) of each state's base delegation shall be elected at the congressional district level or lower. Twenty-five percent (25%) of each state's base delegation shall be elected at large. Delegates so elected shall hereafter be termed "district-level" and "at-large" delegates, respectively. Each State Democratic Chair shall certify all delegates in writing to the Secretary of the DNC.
- D. In those states with more than one congressional district, after the election of district-level delegates and prior to the selection of at-large delegates, each State Democratic Chair shall certify pledged party leader and elected official delegates equal to 15% of the state's base delegation selected pursuant to Rule 8.
- E. The election of district-level and at-large delegates and alternates may take place at the same meeting, provided that district-level delegates are selected first. In states with one congressional district the election of delegates selected in accordance with Rules 8.B., 8.C., and 9.A., may be conducted simultaneously. In all cases, affirmative action and fair reflection guidelines must be met and the Democratic Chair of each such state shall make the certifications required by subsection 7.D.

8. Unpledged and Pledged Party Leader and Elected Official Delegates

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

Not later than March 1, 2004, the Secretary of the Democratic National Committee shall officially confirm to each

State Democratic Chair the names of the following unpledged delegates who legally reside in their respective state and who shall be recognized as part of their state's delegation:

- (1) The individuals recognized as members of the DNC (as set forth in Article Three, Sections 2 and 3 of the Charter of the Democratic Party of the United States); and,
 - (2) The Democratic President and the Democratic Vice President of the United States, if applicable; and,
 - (3) All Democratic members of the United States House of Representatives and all Democratic members of the United States Senate; and,
 - (4) The Democratic Governor², if applicable; and,
 - (5) All former Democratic Presidents, all former Democratic Vice Presidents, all former Democratic Leaders of the U.S. Senate, all former Democratic Speakers of the U.S. House of Representatives and Democratic Minority Leaders, as applicable, and all former Chairs of the Democratic National Committee.
- B. Following the selection of district-level delegates, and prior to the selection of pledged party leader and elected official delegates, unpledged add-on delegates shall be selected according to the following procedures:
- (1) Unpledged add-on delegates may be selected by either the same selecting body which will select the state's party leader and elected official delegates, or by the same selecting body which will select the state's at-large delegates and alternates.
 - (2) The equal division and affirmative action provisions of Rule 9.A. apply to the selection of unpledged add-on delegates.

² The Mayor of the District of Columbia, if a Democrat, shall be treated as a Democratic Governor.

- (3) The list from which the selecting body chooses the unpledged add-on delegates shall contain the same minimum number of names for every such add-on position to be filled as the minimum number of names required by the state's delegate selection plan to remain on the list of bona fide supporters for each at-large and pledged party leader and elected official delegate pursuant to Rule 11.E.(2).
- (4) Unpledged add-on delegates are not entitled to alternates, and neither shall the delegation be entitled to a replacement, except in the case of death.
- (5) Unpledged add-on delegates may be selected whether or not they previously filed a statement of candidacy for a delegate position or submitted a pledge of support for a presidential candidate.
- C. Following the selection of unpledged add-on delegates under 8.B., pledged party leader and elected official delegates are to be selected subject to the following procedures:
- (1) Persons shall be considered for pledged party leader and elected official delegates and alternates according to the following priority: big city mayors and state-wide elected officials to be given equal consideration; state legislative leaders, state legislators, and other state, county and local elected officials and party leaders.
- (2) These slots shall be allocated on the same basis as the state's at-large delegates.
- (3) If persons eligible for pledged party leader and elected official delegate positions have not made known their presidential preference under the procedures established by the state pursuant to Rule 11 for candidates for district-level and at-large delegate positions, their preferences shall be ascertained through alternative procedures established by the state party, which shall require a signed pledge of support for a presidential candidate.
- Such an alternative system shall have a final deadline for submitting a pledge of support after the selection of all district-level delegates has been completed and must provide an opportunity for disapproval by the presidential candidate or the candidate's authorized representative.
- D. A state's party leader and elected official delegates may be chosen by a state convention³ or by a committee consisting of a quorum of district-level delegates. They may also be chosen by the State Party Committee, as recognized by the Democratic National Committee, but only if the state's Delegate Selection Plan is in full compliance with these rules, and provided:
- (1) Membership on the State Party Committee is apportioned on the basis of population and/or some measure of Democratic strength;
- (2) Members of the State Party Committee have been elected through open processes in conformity with the basic procedural guarantees utilized for delegate selection;
- (3) Such delegates are elected at a public meeting subsequent to the election of district-level delegates;
- (4) Members of the State Party Committee exercising such authority shall have been elected no earlier than the date of the previous presidential election; and
- (5) Membership of the State Party Committee complies with the equal division requirements of Article 9, Section 16 of the Charter of the Democratic Party of the United States.
- E. Except as provided in 8.A. above, no person shall serve as an automatic delegate at any level of the delegate selection process by virtue of holding a public or party office.

³ For the purpose of this section (D), a "state convention" shall not include a State Party Committee acting as a state convention where the state's Delegate Selection Plan is not in full compliance with these rules.

9. Selection of At-Large Delegates

- A. The selection of at-large delegates shall be used, if necessary, to achieve the equal division of positions between men and women and the representation goals established in the state party's Affirmative Action Plan. Such goals apply to the state's entire delegation considered as a whole. For purposes of this rule, the entire delegation includes all unpledged as well as all pledged delegates. Delegates and alternates shall each, as a group, be equally divided and, to the extent possible, each as a group shall reflect the representation goals established in the state's Affirmative Action Plan.
- B. A state's at-large delegates and alternates shall be selected by one of the bodies, subject to the same conditions specified in Rule 8.D. above, provided, however, the State Party Committee may choose such delegates and alternates only if the state's Delegate Selection Plan is in full compliance with these rules.
- C. At-large delegates and alternates (including pledged party leader and elected official delegates, which shall include those to be allocated to uncommitted status) in primary states shall be allocated according to the state-wide primary vote or, in states holding no state-wide primary, according to the division of preferences among convention and caucus participants. In non-primary states which do not hold state conventions authorized to elect delegates, at-large delegates shall be apportioned according to the division of preferences among district-level delegates at the time of district-level selection. If a presidential candidate entitled to an allocation under this rule is no longer a candidate at the time at-large delegates are selected, his/her allocation shall be proportionately divided among the other preferences entitled to an allocation.

10. Timing of the Delegate Selection Process

- A. No meetings, caucuses, conventions or primaries which constitute the first determining stage in the presidential

nomination process (the date of the primary in primary states, and the date of the first tier caucus in caucus states) may be held prior to the first Tuesday in February or after the second Tuesday in June in the calendar year of the national convention. Provided, however, that the Iowa precinct caucuses may be held no earlier than 15 days before the first Tuesday in February; that the New Hampshire primary may be held no earlier than 7 days before the first Tuesday in February. In no instance may a state which scheduled delegate selection procedures on or between the first Tuesday in February and the second Tuesday in June 1984 move out of compliance with the provisions of this rule.

- B. All steps in the delegate selection process, including the filing of presidential candidates, must take place within the calendar year of the Democratic National Convention (except as otherwise provided in these rules or specifically allowed by the DNC Rules and Bylaws Committee).

11. Presidential Preference

- A. All candidates for delegate and alternate in caucuses, conventions, committees and on primary ballots shall be identified as to presidential preference or uncommitted status at all levels of a process which determines presidential preference.
- B. All persons wishing to be elected to a district-level or at-large delegate position must file a statement of candidacy designating the presidential or uncommitted preference of the delegate candidate and a signed pledge of support for the presidential candidate (including uncommitted status) the person favors, if any, with the state party by a date certain as specified in the state's Delegate Selection Plan. Persons wishing to be elected as pledged party leader and elected official delegates shall comply with Rule 8.C.(3).
- C. All candidates considered for district-level alternate positions must meet the same requirements as candidates for district-level delegate positions, except that the state may allow candidates who were not

chosen at the delegate level to be considered at the alternate level.

- D. Prior to the selection of national convention delegates and alternates, the state party shall convey to the presidential candidate, or that candidate's authorized representative(s), a list of all persons who have filed for delegate or alternate positions pledged to that presidential candidate. All such delegate and alternate candidates shall be considered bona fide supporters of the presidential candidate whom they have pledged to support, unless the presidential candidate, or that candidate's authorized representative(s), signifies otherwise in writing to the state party by a date certain as specified in the state's Delegate Selection Plan.

- (1) Presidential candidates shall certify in writing to the Democratic State Chair the name(s) of their authorized representative(s) by a date certain.
- (2) In states where delegates are voted upon on the ballot, the date by which the presidential candidate, or that candidate's authorized representative(s), signifies approval or disapproval of the list of delegate and alternate candidates in writing to the state party as required by Rule 11.D., must allow sufficient time to ensure that names removed from the list do not appear on the ballot.

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

- (1) Presidential candidates may not remove any candidate for a district-level delegate or alternate position from the list of bona fide supporters unless, at a minimum, three (3) names remain for every such position to which the presidential candidate is entitled. Provided, however, that in states where individual district-level delegates

and alternates are voted upon on the ballot, the presidential candidate, or that candidate's authorized representative(s), may approve a number of delegate candidates or alternate candidates equal to or greater than the number of delegates or alternates allocated to the district.

- (2) Presidential candidates (including uncommitted status), in consultation with the state party, may remove any candidate for at-large and pledged party leader and elected official delegate or alternate position from the list of bona fide supporters as long as, at a minimum, one (1) name remains for every national convention delegate or alternate position to which the presidential candidate is entitled, except that a state may provide in its delegate selection plan, if the plan is approved by the Rules and Bylaws Committee, that presidential candidates (including uncommitted status), may remove any candidate for an at-large and party leader and elected official delegate or alternate position from the list of bona fide supporters as long as, at a minimum, two (2) names remain for every position to which the presidential candidate is entitled.

- F. State parties shall ensure that state Delegate Selection Plans provide fair and adequate time for persons to file for delegate or alternate positions, and for presidential candidates, or their authorized representative(s), to review the list of persons who have filed, and to remove from that list persons not confirmed by the presidential candidate or his/her representative(s) as bona fide supporters of the presidential candidate.

- G. Except in states where individual delegates and alternates are selected on the ballot, district-level national convention delegates and alternates pledged to a presidential candidate (including uncommitted status) shall be selected or nominated by a caucus of persons from the unit electing the delegates and alternates who sign statements of support for that presidential candidate. Uncommitted delegates and alternates shall be elected by the

uncommitted caucus from the appropriate unit.

- H. A district-level delegate and alternate candidate may run for election only within the district in which he or she is registered to vote. For purposes of these rules, all delegates and alternates at any level of the delegate selection process must be bona fide Democrats who have the interests, welfare and success of the Democratic Party of the United States at heart, who subscribe to the substance, intent and principles of the Charter and the Bylaws of the Democratic Party of the United States, and who will participate in the Convention in good faith.
- I. No delegate at any level of the delegate selection process shall be mandated by law or Party rule to vote contrary to that person's presidential choice as expressed at the time the delegate is elected.
- J. Delegates elected to the national convention pledged to a presidential candidate shall in all good conscience reflect the sentiments of those who elected them.
- K. (1) Based on the right of the Democratic Party to freely assemble and to determine the criteria for its candidates, it is determined that all candidates for the Democratic nomination for President or Vice President shall:
- (a) be registered to vote, and shall have been registered to vote in the last election for the office of President and Vice President; and
 - (b) have demonstrated a commitment to the goals and objectives of the Democratic Party as determined by the National Chair and will participate in the Convention in good faith.
- (2) It is further determined that these requirements are in addition to the requirements set forth by the United States Constitution and any law of the United States.

12. Fair Reflection of Presidential Preferences

- A. Delegates shall be allocated in a fashion that fairly reflects the expressed presidential preference or uncommitted status of the primary voters or, if there is no binding primary, the convention and/or caucus participants.
- B. States shall allocate district-level delegates and alternates in proportion to the percentage of the primary or caucus vote won in that district by each preference, except that preferences falling below a 15% threshold shall not be awarded any delegates. Subject to section F. of this rule, no state shall have a threshold above or below 15%. States which use a caucus/convention system, shall specify in their Delegate Selection Plans the caucus level at which such percentages shall be determined.
- C. A presidential candidate or his/her authorized representative(s) should act in good faith to slate delegate and alternate candidates, however, in any event, if a presidential candidate (including uncommitted status) has qualified to receive delegates and alternates but has failed to slate a sufficient number of delegate and alternate candidates, then additional delegates and alternates for that preference will be selected in a special post-primary procedure. The State Party will administer special post-primary procedures according to rules approved by the DNC Rules and Bylaws Committee and such procedures should be set forth in the state's delegate selection plan, where applicable.
- D. District-level delegates and alternates shall be allocated according to the following procedures:
- Step 1: Tabulate the percentage of the vote that each presidential preference (including uncommitted status) receives in the congressional district to three decimals.
- Step 2: Retabulate the percentage of the vote to three decimals, received by each presidential preference excluding the votes of presidential preferences

whose percentage in Step 1 falls below 15%.

- Step 3: Multiply the number of delegates to be allocated by the percentage received by each presidential preference.
- Step 4: Delegates shall be allocated to each presidential preference based on the whole numbers which result from the multiplication in Step 3.
- Step 5: Remaining delegates, if any, shall be awarded in order of the highest fractional remainders in Step 3.
- E. At-large and pledged party leader and elected official delegate and alternate positions shall be allocated to presidential preferences by reference to primary or convention votes or to the division of preference among district-level delegates or alternates, as the case may be, as specified in Rule 9.C., except that a preference falling below a threshold of 15% shall not be awarded any delegates or alternates at this level. Such delegates and alternates in primary states shall be allocated to presidential preference (including uncommitted status) according to the statewide primary vote.
- F. In all situations where no preference reaches the applicable threshold, the threshold shall be the percentage of the vote received at each level of the delegate selection process by the front-runner minus 10 percent.
- G. Under no circumstances shall the use of single-delegate districts be permitted.
- H. For the purpose of fairly reflecting the division of preferences, the non-binding advisory presidential preference portion of primaries shall not be considered a step in the delegate selection process and is considered detrimental. State parties must take steps to educate the public that a non-binding presidential preference event is meaningless, and state parties and presidential candidates should take all steps possible not to participate.
- I. In a state that uses a caucus and/or convention to determine presidential

preference of voters, the plan must provide for the timely reporting of the election results to the state party.

13. Petition Requirements and Filing Deadlines

- A. If a state requires the filing of petitions with the signatures of registered/enrolled voters as the sole method to place a presidential candidate's name on the primary ballot in connection with the Democratic presidential nominating process, such number of valid signatures shall not exceed 5,000.
- B. If a state requires the payment of a fee by a presidential candidate in connection with the Democratic presidential nominating process, such fee shall not exceed \$2,500.
- C. If a state requires the filing of a petition with the signatures of registered/enrolled voters in order to have a delegate/alternate candidate gain access to the primary ballot in connection with the Democratic presidential nominating process, the number of valid signatures shall not exceed either one half of one percent (.5%) of the registered/enrolled Democrats in such district or one half of one percent (.5%) of the total votes in such district for all Democratic presidential candidates (including uncommitted) during the immediately preceding presidential nominating process, whichever is lower, but in no event shall the number of valid signatures required exceed 1,000.
- D. Subject to the prior sections of this rule, the number of valid signatures required of a presidential candidate to file a petition to gain access to the primary ballot, and the number of valid signatures required of a delegate/alternate candidate to gain access to the primary ballot, and the fees required to be paid to the state by a presidential candidate and by a delegate/alternate candidate to gain access to the primary ballot, in connection with the Democratic presidential nominating process, shall not exceed those in effect in the particular state as of January 1, 1994.
- E. No deadline for the filing of petitions for participation in the presidential

nomination process by a presidential candidate shall be less than 30 days in advance of the primary or caucus nor more than 75 days in advance of the primary or caucus.

- F. No candidate for delegate or alternate shall be required to file a statement of candidacy or a pledge of support as required by Rule 11.B. prior to 30 days before such delegate or alternate candidate is to be selected or elected in a primary, caucus or pre-primary caucus; provided, however, that in states holding a presidential primary where individual district-level delegates or alternates are to be voted upon on the ballot, no candidate for delegate or alternate shall be required to submit or file a statement of candidacy or a pledge of support prior to 90 days before the date on which they are to be voted upon.
- G. No candidate for at-large or pledged party leader and elected official delegate or alternate shall be required to file a statement of candidacy or a pledge of support required by Rule 11.B. prior to 30 days before the date when the delegate or alternate is to be selected or voted upon.
- H. No state's delegate selection rules may require the filing of district-level delegate or alternate candidates pledged to a presidential candidate or uncommitted status as a condition of access by a presidential candidate to the primary ballot for voting upon presidential preference.

14. Quorum Requirements

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

15. Proxy Voting

To insure full participation in the delegate selection process, state party rules may, at their discretion, provide for proxy voting. Such rules shall allow an accredited participant in a caucus, convention or committee meeting, after

having appeared at such meeting and having established credentials, to register the non-transferable proxy with another duly accredited participant at that meeting (except where an accredited alternate is present and eligible to serve as a replacement). No such rule shall allow a person to hold more than three (3) proxies at a time.

16. Unit Rule and Slate-Making

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

17. Alternates and Vacancies

- A. Alternate delegates shall be selected by primary, convention or committee processes subject to the same National Party Rules applicable to the selection of delegates, except that the provisions of Rules 8.A. and 8.B. shall not apply to the election of alternates. Each State Democratic Chair shall certify all alternates in writing to the Secretary of the DNC.
- B. If a given presidential preference is entitled to one or more delegate positions in a state but would not otherwise be entitled to an alternate position, that preference shall be allotted one at-large alternate position.
- C. The proportions of alternates elected at the district level, and at-large, and as pledged party leader and elected official alternates, may be the same as the proportions of delegates elected in those categories.

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

same sex and from the same political subdivision within the state as the delegate.

- E. Delegates elected under the provisions of Rules 8.A. and 8.B. shall not be entitled to name a replacement under Rule 17.D., nor shall the state be entitled to a replacement except in case of death.
- F. A vacant alternate position shall be filled by the delegation. The replacement shall be of the same presidential preference (or uncommitted status), of the same sex and, to the extent possible, from the same political subdivision as the alternate being replaced. Each replacement of a vacant alternate position shall be certified in writing to the Secretary of the DNC by the State Democratic Chair.

18. DNC Rules and Bylaws Committee

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

- E. The DNC Rules and Bylaws Committee shall retain jurisdiction over the approval of amendments to state Delegate Selection Plans and state delegation compliance with equal division requirements, even after the Convention Credentials Committee assumes jurisdiction over challenges to the credentials of delegates.
- F. No later than December 15, 2002, the DNC Rules and Bylaws Committee shall send to state parties its regulations adopted pursuant to these rules and a checklist.
- G. The DNC shall allocate sufficient financial resources and staff to implement this rule.

19. Challenges

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

- (b) If challenged and upheld, the compliance of such implementation programs shall be conclusive but not as to compliance or non-compliance that may occur after the date of the challenge.
- (2) Challenges regarding alleged violation of an approved Delegate Selection Plan shall first be brought to the appropriate state Democratic Party body for a decision to be rendered within twenty-one (21) days. After due notice, any aggrieved party shall have the right to appeal to the DNC Rules and Bylaws Committee within ten (10) days following the decision of the state body according to procedures established by DNC Rules and Bylaws Committee.
- (3) The DNC Rules and Bylaws Committee shall either certify compliance, certify non-compliance or require corrective action after which compliance or non-compliance shall be certified.
- C. (1) *Violation of timing:* In the event the Delegate Selection Plan of a state party provides or permits a meeting, caucus, convention or primary which constitutes the first determining stage in the presidential nominating process to be held prior to or after the dates for the state as provided in Rule 10 of these rules, or in the event a state holds such a meeting, caucus, convention or primary prior to or after such dates, the number of pledged delegates elected in each category allocated to the state pursuant to the Call for the National Convention shall be reduced by fifty (50%) percent, and the number of alternates shall also be reduced by fifty (50%) percent. In addition, none of the members of the Democratic National Committee and no other unpledged delegate allocated pursuant to Rule 8.A. from that state shall be permitted to vote as members of the state's delegation. In determining the actual number of delegates or alternates by which the state's delegation is to be reduced, any fraction below .5 shall be rounded down to the nearest whole

- number, and any fraction of .5 or greater shall be rounded up to the next nearest whole number.
- (2) *Violation of proportional representation:* In the event the Delegate Selection Plan of a state party provides or permits the pledged delegates or alternates to be allocated to a presidential preference (including uncommitted status) other than as provided under Rule 12 of these rules, or in the event a state party, in fact, allocates its pledged delegates or alternates to a presidential preference (including uncommitted status) other than as provided under Rule 12 of these rules, the delegation of the state shall be reduced by the same amount and as provided in section C.(1) of this rule.
- (3) *Violation of the threshold:* In the event the Delegate Selection Plan of a state party provides or permits a threshold other than fifteen (15%) percent as set forth in Rule 12 of these rules, or in the event a state party in fact permits the implementation of a threshold other than fifteen (15%) percent as provided in Rule 12 of these rules, the delegation of the state shall be reduced by the same amount and as provided in section C.(1) of this rule.
- (4) Upon a determination of the DNC Rules and Bylaws Committee that a state is in violation as set forth in subsections (1), (2) or (3) of section C. of this rule, the reductions required under those subsections shall become effective automatically and immediately and without further action of the DNC Rules and Bylaws Committee, the Executive Committee of the DNC, the DNC or the Credentials Committee of the Democratic National Convention.
- (5) Nothing in the preceding subsections of this rule shall be construed to prevent the DNC Rules and Bylaws Committee from imposing additional sanctions, including, without limitation, those specified in subsection (6) of this section C., against a state party and against the delegation from the state which is subject to the provisions of any of subsections (1) through (3) of this section C., including, without limitation, establishing a committee to propose and implement a process which will result in the selection of a delegation from the affected state which shall (i) be broadly representative, (ii) reflect the state's division of presidential preference and uncommitted status and (iii) involve as broad participation as is practicable under the circumstances.
- (6) Nothing in these rules shall prevent the DNC Rules and Bylaws Committee from imposing sanctions the Committee deems appropriate with respect to a state which the Committee determines has failed or refused to comply with these rules, where the failure or refusal of the state party is not subject to subsections (1), (2) or (3) of this section C. Possible sanctions include, but are not limited to: reduction of the state's delegation; pursuant to Rule 20.C., recommending the establishment of a committee to propose and implement a process which will result in the selection of a delegation from the affected state which shall (i) be broadly representative, (ii) reflect the state's division of presidential preference and uncommitted status and (iii) involve as broad participation as is practicable under the circumstances; reducing, in part or in whole, the number of the state's temporary and permanent members to the Standing Committees; reducing, in part or in whole, the number of guests, VIP and other passes/tickets to the National Convention and related functions; assignment of location of the state's delegates and alternates in the Convention hall; and assignment of the state's housing and other convention related facilities.
- (7) In the event a state shall become subject to subsections (1), (2) or (3) of section C. of this rule as a result of state law but the DNC Rules and

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

- (8) A state party may provide in its Delegate Selection Plan the specific method and procedures by which it will reduce its delegation pursuant to this Rule 19 in the event the state party or delegation becomes subject to this Rule 19 by which categories of delegates must be reduced by fifty (50%) percent, which specific method and procedures shall be subject to the review and approval of the DNC Rules and Bylaws Committee. In the event a state's Delegate Selection Plan does not provide for the specific method and procedures referred to in the immediately preceding sentence, or in the event the state's Delegate

Selection Plan is either not approved by the DNC Rules and Bylaws Committee or the specific method and procedures referred to in the first sentence of this subsection (8) are not approved by the DNC Rules and Bylaws Committee, or in the event a state's Delegate Selection Plan specifies the method and procedures which have been approved by the DNC Rules and Bylaws Committee, but the state party fails or refuses to implement those specific method and procedures, and in the event the state's delegation is required to be reduced pursuant to this Rule 19, then the DNC Rules and Bylaws Committee shall, by lottery, or other appropriate method determined by the DNC Rules and Bylaws Committee, determine which delegates and alternates shall not be a part of the state's delegation in order to achieve the reduction of the state's delegation pursuant to this Rule 19. Any reduction of delegates under this provision shall be accomplished in a manner which complies with the requirement of proportional representation as provided for in Rule 12.

- (9) Except as provided by subsection (7) of this section C., the fact that a state party took provable, positive steps as provided in Rule 20 of these rules shall not preclude the state's delegation from being subject to the sanctions set forth in subsections (1), (2), (3), (4) and (5) of this section C.

- D. *Unresolved Challenges and Report to the Credentials Committee.* The DNC Rules and Bylaws Committee shall report its activities, together with all challenges and complaints, to the Credentials Committee of the Democratic National Convention. In cases involving unresolved challenges which are appealed to the Credentials Committee, the burden of proof shall rest with the party presenting the challenge.

20. State Legislative Changes

- A. Subject to Rule 19.C. of these Rules, wherever any part of any section contained in these rules conflicts with existing state laws, the state party shall

take provable positive steps to achieve legislative changes to bring the state law into compliance with the provisions of these rules.

- B. Provable positive steps shall be taken in a timely fashion and shall include: the drafting of corrective legislation; public endorsement by the state party of such legislation; efforts to educate the public on the need for such legislation; active support for the legislation by the state party lobbying state legislators, other public officials, Party officials and Party members; and encouraging consideration of the legislation by the appropriate legislative committees and bodies.
- C. A state party may be required by a vote of the DNC Executive Committee upon a recommendation of the DNC Rules and Bylaws Committee to adopt and implement an alternative Party-run delegate selection system which does not conflict with these rules, regardless of any provable positive steps the state may have taken.