



Democratic National Committee

DELEGATE SELECTION RULES

For the 2012
Democratic National Convention

Issued by the Democratic Party of the United States

Governor Tim Kaine
Chairman

PROPOSED DRAFT

Proposed for consideration by the DNC Rules and Bylaws Committee at its meeting May 21-22, 2010.

Reflects changes suggested by the Co-Chairs for consideration by the Rules and Bylaws Committee.

TABLE OF CONTENTS

RULE NUMBER

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

PROPOSED DELEGATE SELECTION RULES

FOR THE 2012 DEMOCRATIC NATIONAL CONVENTION

PROPOSED DRAFT

Reflects changes submitted by the Rules and Bylaws Committee Co-Chairs for consideration at its meeting on May 21-22, 2010.

Inserted Language is **bold and double underlined**.

Deleted Language is shown with ~~strikethrough~~.

Sections specifically recommended for discussion are marked with ***.

- | | | | |
|----|---|----|---|
| 1 | 1. Publication and Submission of | 36 | |
| 2 | State Party Rules | 37 | |
| 3 | | 38 | |
| 4 | A. State parties shall adopt Affirmative Action | 39 | 8. Procedures for ascertaining |
| 5 | and Delegate Selection Plans which contain | 40 | delegate/alternate preference at all |
| 6 | explicit rules and procedures governing all | 41 | stages; |
| 7 | aspects of the delegate selection process. | 42 | |
| 8 | These rules shall include, but are not limited | 43 | 9. Procedures for presidential candidate |
| 9 | to: | 44 | right of approval; |
| 10 | | 45 | |
| 11 | 1. Procedures for electing and certifying | 46 | 10. Method of awarding delegates and |
| 12 | delegates and alternates at all levels; | 47 | alternates to presidential candidates; |
| 13 | | 48 | |
| 14 | 2. Timing of primary/caucuses/ | 49 | 11. Methods and timetable for the selection |
| 15 | conventions; | 50 | of permanent standing committee |
| 16 | | 51 | members; |
| 17 | 3. Procedures providing for equal division | 52 | 12. Methods and timetable for the selection |
| 18 | in each state's convention delegation; | 53 | of temporary standing committee |
| 19 | | 54 | members; |
| 20 | 4. Procedures providing for the selection | 55 | 13. Procedures for challenges of the |
| 21 | of the chair of the delegation; | 56 | delegate selection and affirmative action |
| 22 | | 57 | processes; |
| 23 | 5. Particulars concerning the scheduling of | 58 | |
| 24 | delegate selection meetings including | 59 | 14. Methods and timetable for the selection |
| 25 | methods by which each meeting or | 60 | of convention pages; and |
| 26 | event will be publicized; | 61 | |
| 27 | | 62 | 15. Other appropriate provisions from these |
| 28 | 6. Affirmative Action Plans in detail | 63 | Rules, the Call and the Regulations. |
| 29 | including affirmative action obligations | 64 | B. The following items are to be routinely |
| 30 | of presidential candidates; | 65 | included at an appropriate place in each |
| 31 | | 66 | state plan: |
| 32 | 7. All petition requirements and filing | 67 | |
| 33 | deadlines for delegate and alternate | 68 | 1. Eligibility requirements for participation |
| 34 | candidates and for presidential | 69 | in the delegate selection process in |
| 35 | candidates; | 70 | conformance with Rule 2 [Rule 2]; |

2012 Delegate Selection Rules for the Democratic National Convention

- 1 2. Prohibition of cost and fees [Rule 2.D.]; 48 Committee (“DNC Rules and Bylaws
2 49 Committee”).
- 3 3. Prohibition of participation by those 50
4 participating in another party’s process 51 D. State Delegate Selection and Affirmative
5 [Rule 2.E.]; 52 Action Plans shall be submitted to the DNC
6 53 Rules and Bylaws Committee for approval
7 4. One-meeting limitation for first-stage 54 on or before ~~May 1, 2007~~ May 2, 2011.
8 participants [Rule 3.E.]; 55
- 9 56 E. The DNC Rules and Bylaws Committee
10 5. “Six basic elements” of an open party 57 shall act on the proposed plans as soon as
11 [Rule 4]; 58 practicable, but in no case later than
12 ~~September 16, 2008~~ September 16, 2011, or
13 6. Non-discrimination principles [Rule 5]; 60 four months before the respective state’s
14 first determining step, whichever is earlier.
15 7. Requirement that all steps take place 62 Its decision shall be final and binding.
16 within calendar year of convention 63
17 [Rule 11.]; 64 F. Implementation of state Affirmative Action
18 65 Plans shall begin no later than ~~September~~
19 8. Required identification of preference of 66 September 16, 2011, or four months
20 candidates for delegate and alternate 67 before the respective state’s first
21 [Rule 12.A.]; 68 determining step, whichever is earlier.
22 69
- 23 9. Protection against coerced vote [Rule 70 G. State Delegate Selection Plans shall specify
24 12.I]; 71 the methods and timetable to be followed in
25 selecting permanent and temporary
26 10. Quorum requirements [Rule 15]; 72 members of standing committees of the
27 national convention. These procedures shall
28 11. Proxy voting rules, if any [Rule 16]; 74 be in conformity with the rules to be
29 75 contained in the Call for the ~~2008~~ 2012
30 12. Unit rule prohibition [Rule 17.A.]; 76 Convention.
31 77
- 32 13. Slate making limitations [Rule 17.B.]; 78
33 and 79 H. The Democratic National Committee
34 80 (“DNC”) and the state parties shall publish
35 14. Succession of alternates to delegate 81 and make available at no cost their rules, the
36 status and filling of vacancies in 82 2012 National Delegate Selection Rules, and
37 delegate positions [Rule 18]. 83 a clear and concise explanation of how
38 84 Democratic voters can participate in the
39 C. Each state party shall provide for a thirty 85 delegate selection process. The DNC shall
40 (30) day¹ period of public comment to solicit 86 prepare and provide at no cost to state
41 opinion on the state’s Affirmative Action 87 parties a clear and concise explanation of
42 Plan and Delegate Selection Plan prior to 88 the ~~2008~~ 2012 Delegate Selection Rules. This
43 adoption. All written public comments 89 shall be done no later than October 1 of the
44 submitted to the state Democratic 90 calendar year immediately preceding the
45 Committee shall be submitted along with 91 calendar year of the national convention.
46 the plans to the Rules and Bylaws
47 Committee of the Democratic National

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 shall be extended to the next business day.

2012 Delegate Selection Rules for the Democratic 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), and 2.A.(2) shall be allowed to participate.

D. At no stage of the delegate selection process shall any person be required, directly or indirectly, to pay a cost or fee as a condition for participating in the delegate selection process. Voluntary contributions to the Party may be made, but under no circumstances shall a contribution be mandatory for participation.

E. No person shall participate or vote in the nominating process for a Democratic presidential candidate who also participates in the nominating processes of any other party for the corresponding elections.

F. In accordance with Article Nine, Section 12 of the Charter of the Democratic Party of the United States, votes shall not be taken by secret ballot at any stage of the delegate selection process, including processes leading up to the selection of DNC Members or State Chairs and Vice Chairs, who serve as DNC members by virtue of their office, except that use of such voting by secret ballot may be used in a state run or state party run primary which constitutes the first determining stage of the delegate election process and in which all individual voters are eligible to participate in accordance with the provisions of this Rule 2.

G. The casting of ballots over the Internet may be used as a method of voting in a vote only for presidential preference in a state party-run primary constituting the first determining stage in the presidential nominating process, and only if such casting of ballots over the Internet:

1. Is used in a system in which voters may cast their ballots in person on the day of such primary and by mail, and in which casting of ballots over the Internet is an alternate means of voting;
2. Is accompanied by a comprehensive, proactive education and outreach program on the use of Internet voting that is set forth in the state's delegate selection plan and approved by the DNC Rules and Bylaws Committee;
3. Is conducted in accordance with a plan approved by the DNC Rules and Bylaws Committee that is included in the state's delegate selection plan, and that provides adequate measures to achieve security, reliability, access to eligible voters and transparency, including contractual and other safeguards to secure exclusive ownership and control by the state party of voting data;
4. Is accomplished through a system which provides the voter with an

2012 Delegate Selection Rules for the Democratic National Convention

1 opportunity to verify the voter's ballot
2 and correct any error before the voter's
3 vote is cast; which can be permanently
4 maintained by the voter at the voter's
5 option in paper, electronic or other
6 form; and which produces a paper
7 record of the voter's vote that is
8 preserved and maintained by the state
9 party in the event of a manual audit,
10 until the expiration of the time for filing
11 an implementation challenge under
12 these Rules.

13
14 H. In states using government-run voting
15 systems in the delegate selection process,
16 State Delegate Selection Plans shall include
17 provable positive steps (as defined in Rule
18 21) taken or to be taken by the state party to:

- 19
20 1. Promote the acquisition of accessible
21 precinct based optical scan systems
22 wherever possible;
- 23
24 2. Seek enactment of legislation, rules and
25 policies at the state and local level to
26 ensure that direct recording electronic
27 systems include a voter verified paper
28 record;
- 29
30 3. Seek enactment of legislation, rules and
31 policies at the state and local level to
32 ensure that both optical scan and direct
33 recording electronic systems include
34 recognized security measures such as:
35
 - 36 a. Automatic routine manual audits
37 comparing paper records to
38 electronic records following every
39 election and prior to certification of
40 results where possible;
 - 41
42 b. Parallel testing on Election Day;
 - 43
44 c. Physical and electronic security for
45 equipment;
 - 46
47 d. Banning use of wireless components
48 and connections;
 - 49
50 e. Public disclosure of software design;

- 51 f. Use of transparent and random
52 selection for all auditing procedures;
- 53
54 g. Effective procedures for addressing
55 evidence of fraud or error.
56

57 3. Scheduling of Delegate 58 Selection Meetings

- 59
60 A. All official Party meetings and events
61 related to the national convention delegate
62 selection process, including caucuses,
63 conventions, committee meetings, filing
64 dates, and Party enrollment periods, shall
65 be scheduled for dates, times and public
66 places which would be most likely to
67 encourage the participation of all
68 Democrats, and must begin and end at
69 reasonable hours.
70
- 71 B. All such meetings or events which are the
72 first meeting or event in the delegate
73 selection process shall be scheduled at times
74 and dates which are uniform throughout
75 the state, except where it is established by
76 the state party and approved by the DNC
77 Rules and Bylaws Committee that such
78 uniform times and dates would significantly
79 reduce participation in the delegate
80 selection process.
81
- 82 C. The times, dates, places, and rules for the
83 conduct of all caucuses, conventions,
84 meetings and other events involved in the
85 delegate selection process shall be
86 effectively publicized by the Party
87 organization, official, candidate or member
88 calling the same.
89
- 90 D. Concise statements in advance of all
91 meetings and events concerning the
92 relationship between the business to be
93 conducted and the delegate selection
94 process shall be effectively publicized by the
95 Party organization, official, candidate or
96 member calling the same.
97
- 98 E. No person shall participate in more than
99 one meeting which is the first meeting in the
100 delegate selection process.

2012 Delegate Selection Rules for the Democratic National Convention

- 1 **4. An Open Party** 52
- 2 53
- 3 A. The Democratic National Committee 54
- 4 reaffirms its commitment to the 1964 55
- 5 resolution, and requires the national and 56
- 6 state parties to incorporate the Six Basic 57
- 7 Elements, as updated, into their Party rules 58
- 8 and to take appropriate steps to secure their 59
- 9 implementation. 60
- 10 61
- 11 B. The 1964 Democratic National Convention 62
- 12 adopted a resolution which conditioned the 63
- 13 seating of delegates at future conventions 64
- 14 on the assurances that discrimination in any 65
- 15 state party affairs on the ground of race, 66
- 16 color, creed or national origin did not occur. 67
- 17 The 1968 Convention adopted the 1964 68
- 18 Convention resolution for inclusion in the 69
- 19 Call for the 1972 Convention. In 1966, the 70
- 20 Special Equal Rights Committee, which had 71
- 21 been created in 1964, adopted six anti- 72
- 22 discrimination standards – designated as 73
- 23 the Six Basic Elements, which, as updated, 74
- 24 are as follows: 75
- 25 76
- 26 1. All public meetings at all levels of the 77
- 27 Democratic Party in each state should be 78
- 28 open to all members of the Democratic 79
- 29 Party regardless of race, sex, age, color, 80
- 30 creed, national origin, religion, ethnic 81
- 31 identity, sexual orientation, economic 82
- 32 status or physical disability (hereinafter 83
- 33 collectively referred to as "status"). 84
- 34 85
- 35 2. No test for membership in, nor any 86
- 36 oaths of loyalty to, the Democratic Party 87
- 37 in any state should be required or used 88
- 38 which has the effect of requiring 89
- 39 prospective or current members of the 90
- 40 Democratic Party to acquiesce in, 91
- 41 condone or support discrimination 92
- 42 based on "status." 93
- 43 94
- 44 3. The time and place for all public 95
- 45 meetings of the Democratic Party on all 96
- 46 levels should be publicized fully and in 97
- 47 such manner as to assure timely notice 98
- 48 to all interested persons. Such meetings 99
- 49 must be held in places accessible to all 100
- 50 Party members and large enough to 101
- 51 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.

2012 Delegate Selection Rules for the Democratic National Convention

- 1 B. Discrimination on the basis of "status" in 51 at any level of the delegate selection
2 the conduct of Democratic Party affairs is 52 process or in any other Party affairs.
3 prohibited. 53
4 54
- 5 C. In order to continue the Democratic Party's 55
6 ongoing efforts to include groups 56
7 historically under-represented in the 57
8 Democratic Party's affairs, by virtue of race, 58
9 ethnicity, age, sexual orientation or 59
10 disability, each state party shall develop and 60
11 submit Party outreach programs, including 61
12 recruitment, education and training, in 62
13 order to achieve full participation by such 63
14 groups and diversity in the delegate 64
15 selection process and at all levels of Party 65
16 affairs. 66
17 67
- 18 **6. Affirmative Action** 68
19 69
- 20 A. The promises of a democratically elected 70
21 government and the right to vote have not 71
22 always been extended equally to all 72
23 Americans. Historically, certain groups of 73
24 Americans have been explicitly denied the 74
25 right to vote or have been subjected to 75
26 discriminatory and exclusionary practices 76
27 with the intended effect of denying them 77
28 voting rights. In recognition of this past 78
29 history of discriminatory denial of the 79
30 franchise and in order to encourage full 80
31 participation by all Democrats in the 81
32 delegate selection process and in all Party 82
33 affairs, the national and state Democratic 83
34 Parties shall adopt and implement 84
35 affirmative action programs with specific 85
36 goals and timetables for African Americans, 86
37 Hispanics, Native Americans, Asian/Pacific 87
38 Americans and women. 88
- 39 89
- 40 1. The goal of such affirmative action shall 90
41 be to encourage participation in the 91
42 delegate selection process and in Party 92
43 organizations at all levels by the 93
44 aforementioned groups as indicated by 94
45 their presence in the Democratic 95
46 electorate. 96
47 97
- 48 2. This goal shall not be accomplished 98
49 either directly or indirectly by the 99
50 Party's imposition of mandatory quotas 100
101
3. In the selection of each state's at-large 3
delegation, priority of consideration 4
shall be given to African Americans, 5
Hispanics, Native Americans, 6
Asian/Pacific Americans and women, if 7
such priority of consideration is needed 8
to fulfill the affirmative action goals 9
outlined in the state's Delegate Selection 10
Plan. Such remedial action is necessary 11
in order to overcome the effects of past 12
discrimination. Use of the at-large 13
delegation to fulfill the plan's 14
affirmative action goals does not obviate 15
the need for the state party to conduct 16
outreach activities such as recruitment, 17
education and training. Priority of 18
consideration shall also be given to 19
other groups as described in Rule 5.(C), 20
which are under-represented in 21
Democratic Party affairs, in order to 22
assist in the achievement of full 23
participation by these groups. 24
- B. Performance under an approved 25
Affirmative Action Plan and composition of 26
the convention delegation shall be 27
considered relevant evidence in the 28
challenge to any state delegation. If a state 29
party has adopted and implemented an 30
approved affirmative action program, the 31
state party shall not be subject to challenge 32
based solely on delegation composition or 33
primary results. 34
- C. State Delegate Selection Plans shall provide 35
for equal division between delegate men 36
and delegate women and alternate men and 37
alternate women within the state's entire 38
convention delegation. For purposes of this 39
rule, the entire delegation includes all 40
pledged delegates and alternates and 41
unpledged delegates (including unpledged 42
party leaders and elected official delegates 43
and unpledged add-on delegates). 44
1. State Delegate Selection Plans shall, as 45
far as mathematically practicable, also 46
provide for equal division between 47

2012 Delegate Selection Rules for the Democratic National Convention

- 1 district-level delegate men and delegate 52
2 women and district-level alternate men 53
3 and alternate women. 54
4 55
5 2. The DNC Rules and Bylaws Committee 56
6 shall have continuing jurisdiction to 57
7 ensure compliance with this equal 58
8 division requirement. No at-large 59
9 delegate or alternate from a state shall 60
10 be placed on the temporary roll of the 61
11 2008 Democratic National Convention 62
12 unless the Rules and Bylaws Committee 63
13 has certified to the Secretary of the 64
14 Democratic National Committee that 65
15 such state's delegation complies with 66
16 this equal division rule. It shall be the 67
17 duty of the DNC Rules and Bylaws 68
18 Committee to determine such 69
19 compliance as soon as practicable 70
20 following the certification of the state's 71
21 at-large delegates and alternates. 72
22
23 3. Notwithstanding sub-paragraph A.(2) 73
24 above, equal division at any level of 74
25 delegate or committee positions 75
26 between delegate men and delegate 76
27 women or committeemen and 77
28 committeewomen shall not constitute a 78
29 violation of any provision thereof. 79
30
31 D. For purposes of providing adequate notice 80
32 of the delegate selection process under Rule 81
33 3, the times, dates, places and rules for the 82
34 conduct of all caucuses, conventions, 83
35 meetings and other events involved in the 84
36 delegate selection process shall be 85
37 effectively publicized, bilingually where 86
38 necessary, to encourage the participation of 87
39 minority groups. 88
40
41 E. State Democratic Parties shall ensure that 89
42 district lines used in the delegate selection 90
43 process are not gerrymandered to 91
44 discriminate against African Americans, 92
45 Hispanics, Native Americans, Asian/Pacific 93
46 Americans or women. 94
47
48 F. Each state Affirmative Action Plan shall 95
49 provide for the appointment of a 96
50 representative state Affirmative Action 97
51 Committee by ~~March 1, 2007~~ March 1, 2011. 98
99
100
101
102
- 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
presidential candidates consistent with the
delegate selection system employed by the
state.
1. State parties shall require presidential
candidates to submit statements that
specify what steps such candidates will
take to encourage full participation in
their delegate selection process,
including, but not limited to, procedures
by which persons may file as candidates
for delegate or alternate. Provided
further that presidential candidates
submit such full participation
statements to the DNC Rules and
Bylaws Committee at the same time
they are submitted to state parties.
2. State parties shall require presidential
candidates to submit demographic
information with respect to candidates
for delegate and alternate pledged to
them.
- I. Each state party shall certify to the Rules
and Bylaws Committee whether each
presidential candidate (including
uncommitted status) has used best efforts to
ensure that their respective delegations at
each level within a state's delegation shall
fulfill the requirements of Rule 6 and Rule 7
established by the state's Delegate Selection
Plan and that the respective delegations of
each presidential candidate within the

2012 Delegate Selection Rules for the Democratic National Convention

1 state's delegation shall be equally divided
2 between men and women.

4 **7. Inclusion Programs*****

5
6 The Democratic National Committee recognizes
7 that other groups of Americans in addition to
8 those described in Rule 6 may be under-
9 represented in Party affairs. These groups
10 include members of the LGBT community, and
11 people with disabilities. The National and State
12 Parties shall adopt and implement Inclusion
13 Programs in order to achieve the full
14 participation of members of these and other
15 groups in the delegate selection process and in
16 all party affairs, as indicated by their presence
17 in the Democratic electorate. As is already the
18 practice in some states, State Parties may use
19 goals to achieve these ends; however, in no
20 event may such participation be accomplished
21 by the use of quotas.

23 **8. National Convention Delegate** 24 **Apportionment**

25
26 A. Apportionment of district-level delegates
27 within states shall be based on one of the
28 following:

- 29
30 1. A formula giving equal weight to total
31 population and to the average of the
32 vote for the Democratic candidates in
33 the two most recent presidential
34 elections;
- 35
36 2. A formula giving equal weight to the
37 vote for the Democratic candidates in
38 the most recent presidential and
39 gubernatorial elections;
- 40
41 3. A formula giving equal weight to the
42 average of the vote for the Democratic
43 candidates in the two most recent
44 presidential elections and to Democratic
45 Party registration or enrollment as of
46 January 1, 2008 January 1, 2012; or
- 47
48 4. A formula giving one-third (1/3) weight
49 to each of the formulas in items (1), (2),
50 and (3).

51 B. Apportionment for each body selecting
52 delegates to state, district, and county
53 conventions shall be based upon population
54 and/or some measure of Democratic
55 strength.

56
57 C. The Call for the ~~2008~~ **2012** Convention shall
58 state the base delegation for each
59 delegation. Seventy-five percent (75%) of
60 each state's base delegation shall be elected
61 at the congressional district level or smaller.
62 Twenty-five percent (25%) of each state's
63 base delegation shall be elected at large.
64 Delegates so elected shall hereafter be
65 termed "district-level" and "at-large"
66 delegates, respectively. Each State
67 Democratic Chair shall certify all delegates
68 in writing to the Secretary of the DNC.

69
70 D. In those states with more than one
71 congressional district, after the election of
72 district-level delegates and prior to the
73 selection of at-large delegates, each State
74 Democratic Chair shall certify pledged
75 party leader and elected official delegates
76 equal to 15% of the state's base delegation
77 selected pursuant to Rule 9.

78
79 E. The election of district-level and at-large
80 delegates and alternates may take place at
81 the same meeting, provided that district-
82 level delegates are selected first. In states
83 with one congressional district the election
84 of delegates selected in accordance with
85 Rules 8.B., 8.C., and 9.A., may be conducted
86 simultaneously. In all cases, affirmative
87 action and fair reflection guidelines must be
88 met and the Democratic Chair of each such
89 state shall make the certifications required
90 by subsection 8.D.

92 **9. Unpledged and Pledged Party** 93 **Leaders and Elected Official** 94 **Delegates*****

95
96 A. The procedure to be used for certifying
97 unpledged party leader and elected official
98 delegates is as follows:

2012 Delegate Selection Rules for the Democratic National Convention

- 1 Not later than March 1, 2008, the Secretary
2 of the Democratic National Committee shall
3 officially confirm to each State Democratic
4 Chair the names of the following unpledged
5 delegates who legally reside in their
6 respective state and who shall be recognized
7 as part of their state's delegation unless any
8 such member has publicly expressed
9 support for the election of, or has endorsed,
10 a presidential candidate of another political
11 party:
- 12
 - 13 1. The individuals recognized as members
14 of the DNC (as set forth in Article Three,
15 Sections 2 and 3 of the Charter of the
16 Democratic Party of the United States);
17 and,
 - 18
 - 19 2. The Democratic President and the
20 Democratic Vice President of the United
21 States, if applicable; and,
 - 22
 - 23 3. All Democratic members of the United
24 States House of Representatives and all
25 Democratic members of the United
26 States Senate; and,
 - 27
 - 28 4. The Democratic Governor, if applicable;
29 and,
 - 30
 - 31 5. All former Democratic Presidents, all
32 former Democratic Vice Presidents, all
33 former Democratic Leaders of the U.S.
34 Senate, all former Democratic Speakers
35 of the U.S. House of Representatives
36 and Democratic Minority Leaders, as
37 applicable, and all former Chairs of the
38 Democratic National Committee.
- 39
- 40 B. Following the selection of district-level
41 delegates, and prior to the selection of
42 pledged party leader and elected official
43 delegates, unpledged add-on delegates shall
44 be selected according to the following
45 procedures:
- 46
 - 47 1. Unpledged add-on delegates may be
48 selected by either the same selecting
49 body which will select the state's party
50 leader and elected official delegates, or
51 by the same selecting body which will
- 52 select the state's at-large delegates and
53 alternates.
- 54
 - 55 2. The equal division and affirmative
56 action provisions of Rule 10.A. apply to
57 the selection of unpledged add-on
58 delegates.
 - 59
 - 60 3. The list from which the selecting body
61 chooses the unpledged add-on delegates
62 shall contain the same minimum
63 number of names for every such add-on
64 position to be filled as the minimum
65 number of names required by the state's
66 delegate selection plan to remain on the
67 list of bona fide supporters for each at-
68 large and pledged party leader and
69 elected official delegate pursuant to
70 Rule 12.E.(2).
 - 71
 - 72 4. Unpledged add-on delegates are not
73 entitled to alternates, and neither shall
74 the delegation be entitled to a
75 replacement, except in the case of death.
 - 76
 - 77 5. Unpledged add-on delegates may be
78 selected whether or not they previously
79 filed a statement of candidacy for a
80 delegate position or submitted a pledge
81 of support for a presidential candidate.
- 82
- 83 C. Following the selection of unpledged add-
84 on delegates under 9.B., pledged party
85 leader and elected official delegates are to
86 be selected subject to the following
87 procedures:
- 88
 - 89 1. Persons shall be considered for pledged
90 party leader and elected official
91 delegates and alternates according to
92 the following priority: big city mayors
93 and state-wide elected officials to be
94 given equal consideration; state
95 legislative leaders, state legislators, and
96 other state, county and local elected
97 officials and party leaders.
 - 98
 - 99 2. These slots shall be allocated on the
100 same basis as the state's at-large
101 delegates.

2012 Delegate Selection Rules for the Democratic National Convention

1 3. If persons eligible for pledged party
2 leader and elected official delegate
3 positions have not made known their
4 presidential preference under the
5 procedures established by the state
6 pursuant to Rule 12 for candidates for
7 district-level and at-large delegate
8 positions, their preferences shall be
9 ascertained through alternative
10 procedures established by the state
11 party, which shall require a signed
12 pledge of support for a presidential
13 candidate. Such an alternative system
14 shall have a final deadline for
15 submitting a pledge of support after the
16 selection of all district-level delegates
17 has been completed and must provide
18 an opportunity for disapproval by the
19 presidential candidate or the candidate's
20 authorized representative.

21
22 D. A state's party leader and elected official
23 delegates may be chosen by a state
24 convention or by a committee consisting of
25 a quorum of district-level delegates. They
26 may also be chosen by the State Party
27 Committee, as recognized by the
28 Democratic National Committee, but only if
29 the state's Delegate Selection Plan is in full
30 compliance with these rules, and provided:

31
32 1. Membership on the State Party
33 Committee is apportioned on the basis
34 of population and/or some measure of
35 Democratic strength;

36
37 2. Members of the State Party Committee
38 have been elected through open
39 processes in conformity with the basic
40 procedural guarantees utilized for
41 delegate selection;

42
43 3. Such delegates are elected at a public
44 meeting subsequent to the election of
45 district-level delegates;

46
47 4. Members of the State Party Committee
48 exercising such authority shall have
49 been elected no earlier than the date of
50 the previous presidential election; and
51

52 5. Membership of the State Party
53 Committee complies with the equal
54 division requirements of Article 9,
55 Section 16 of the Charter of the
56 Democratic Party of the United States.

57
58 E. Except as provided in 9.A. above, no person
59 shall serve as an automatic delegate at any
60 level of the delegate selection process by
61 virtue of holding a public or party office.

62 63 10. Selection of At-Large 64 Delegates

65
66 A. The selection of at-large delegates shall be
67 used, if necessary, to achieve the equal
68 division of positions between men and
69 women and the representation goals
70 established in the state party's Affirmative
71 Action Plan. Such goals apply to the state's
72 entire delegation considered as a whole.
73 For purposes of this rule, the entire
74 delegation includes all unpledged as well as
75 all pledged delegates. Delegates and
76 alternates shall each, as a group, be equally
77 divided and, to the extent possible, each as a
78 group shall reflect the representation goals
79 established in the state's Affirmative Action
80 Plan.

81
82 B. A state's at-large delegates and alternates
83 shall be selected by one of the bodies,
84 subject to the same conditions specified in
85 Rule 9.D. above, provided, however, the
86 State Party Committee may choose such
87 delegates and alternates only if the state's
88 Delegate Selection Plan is in full compliance
89 with these rules.

90
91 C. At-large delegates and alternates (including
92 pledged party leader and elected official
93 delegates, which shall include those to be
94 allocated to uncommitted status) in primary
95 states shall be allocated according to the
96 state-wide primary vote or, in states holding
97 no state-wide primary, according to the
98 division of preferences among convention
99 and caucus participants. In non-primary
100 states which do not hold state conventions
101 authorized to elect delegates, at-large

2012 Delegate Selection Rules for the Democratic National Convention

1 delegates shall be apportioned according to
2 the division of preferences among district-
3 level delegates at the time of district-level
4 selection. If a presidential candidate
5 entitled to an allocation under this rule is no
6 longer a candidate at the time at-large
7 delegates are selected, his/her allocation
8 shall be proportionately divided among the
9 other preferences entitled to an allocation.

11. Timing of the Delegate Selection Process***

14 A. No meetings, caucuses, conventions or
15 primaries which constitute the first
16 determining stage in the presidential
17 nomination process (the date of the
18 primary in primary states, and the date
19 of the first tier caucus in caucus states)
20 may be held prior to the first Tuesday in
21 February or after the second Tuesday in
22 June in the calendar year of the national
23 convention. Provided, however, that
24 the Iowa precinct caucuses may be held
25 no earlier 22 days before the first
26 Tuesday in February; that the Nevada
27 first-tier caucuses may be held no earlier
28 than 17 days before the first Tuesday in
29 February; that the New Hampshire
30 primary may be held no earlier than 14
31 days before the first Tuesday in
32 February; and that the South Carolina
33 primary may be held no earlier than 7
34 days before the first Tuesday in
35 February. In no instance may a state
36 which scheduled delegate selection
37 procedures on or between the first
38 Tuesday in February and the second
39 Tuesday in June 1984 move out of
40 compliance with the provisions of this
41 rule.

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

12. Presidential Preference

51 A. All candidates for delegate and alternate in
52 caucuses, conventions, committees and on
53 primary ballots shall be identified as to
54 presidential preference or uncommitted
55 status at all levels of a process which
56 determines presidential preference.

57 B. All persons wishing to be elected to a
58 district-level or at-large delegate position
59 must file a statement of candidacy
60 designating the presidential or
61 uncommitted preference of the delegate
62 candidate and a signed pledge of support
63 for the presidential candidate (including
64 uncommitted status) the person favors, if
65 any, with the state party by a date certain as
66 specified in the state's Delegate Selection
67 Plan. Persons wishing to be elected as
68 pledged party leader and elected official
69 delegates shall comply with Rule 9.C.(3).

70 C. All candidates considered for district-level
71 alternate positions must meet the same
72 requirements as candidates for district-level
73 delegate positions, except that the state may
74 allow candidates who were not chosen at
75 the delegate level to be considered at the
76 alternate level.

77 D. Prior to the selection of national convention
78 delegates and alternates, the state party
79 shall convey to the presidential candidate,
80 or that candidate's authorized
81 representative(s), a list of all persons who
82 have filed for delegate or alternate positions
83 pledged to that presidential candidate. All
84 such delegate and alternate candidates shall
85 be considered bona fide supporters of the
86 presidential candidate whom they have
87 pledged to support, unless the presidential
88 candidate, or that candidate's authorized
89 representative(s), signifies otherwise in
90 writing to the state party by a date certain as
91 specified in the state's Delegate Selection
92 Plan.

93 1. Presidential candidates shall certify in
94 writing to the Democratic State Chair

2012 Delegate Selection Rules for the Democratic National Convention

- 1 the name(s) of their authorized 52
2 representative(s) by a date certain. 53
3 54
4 2. In states where delegates are voted 55
5 upon on the ballot, the date by which 56
6 the presidential candidate, or that 57
7 candidate's authorized 58
8 representative(s), signifies approval or 59
9 disapproval of the list of delegate and 60
10 alternate candidates in writing to the 61
11 state party as required by Rule 12.D., 62
12 must allow sufficient time to ensure that 63
13 names removed from the list do not 64
14 appear on the ballot. 65
15 66
16 E. National convention delegate and alternate 67
17 candidates removed from the list of bona 68
18 fide supporters by a presidential candidate, 69
19 or that candidate's authorized 70
20 representative(s), may not be elected as a 71
21 delegate or alternate at that level pledged to 72
22 that presidential candidate (including 73
23 uncommitted status). 74
24 75
25 1. Presidential candidates may not remove 76
26 any candidate for a district-level 77
27 delegate or alternate position from the 78
28 list of bona fide supporters unless, at a 79
29 minimum, three (3) names remain for 80
30 every such position to which the 81
31 presidential candidate is entitled. 82
32 Provided, however, that in states where 83
33 individual district-level delegates and 84
34 alternates are voted upon on the ballot, 85
35 the presidential candidate, or that 86
36 candidate's authorized 87
37 representative(s), may approve a 88
38 number of delegate candidates or 89
39 alternate candidates equal to or greater 90
40 than the number of delegates or 91
41 alternates allocated to the district. 92
42 93
43 2. Presidential candidates (including 94
44 uncommitted status), in consultation 95
45 with the state party, may remove any 96
46 candidate for at-large and pledged party 97
47 leader and elected official delegate or 98
48 alternate position from the list of bona 99
49 fide supporters as long as, at a 100
50 minimum, one (1) name remains for 101
51 every national convention delegate or 102
- 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

2012 Delegate Selection Rules for the Democratic National Convention

- 1 Charter and the Bylaws of the Democratic
2 Party of the United States, and who will
3 participate in the Convention in good faith.
4
- 5 I. No delegate at any level of the delegate
6 selection process shall be mandated by law
7 or Party rule to vote contrary to that
8 person's presidential choice as expressed at
9 the time the delegate is elected.
10
- 11 J. Delegates elected to the national convention
12 pledged to a presidential candidate shall in
13 all good conscience reflect the sentiments of
14 those who elected them.
15
- 16 K. 1. Based on the right of the Democratic
17 Party to freely assemble and to
18 determine the criteria for its candidates,
19 it is determined that all candidates for
20 the Democratic nomination for
21 President or Vice President shall:
22
- 23 a. be registered to vote, and shall have
24 been registered to vote in the last
25 election for the office of President
26 and Vice President; and
27
- 28 b. have demonstrated a commitment
29 to the goals and objectives of the
30 Democratic Party as determined by
31 the National Chair and will
32 participate in the Convention in
33 good faith.
34
- 35 2. It is further determined that these
36 requirements are in addition to the
37 requirements set forth by the United
38 States Constitution and any law of the
39 United States.
40
- 41 **13. Fair Reflection of**
42 **Presidential Preferences**
43
- 44 A. Delegates shall be allocated in a fashion that
45 fairly reflects the expressed presidential
46 preference or uncommitted status of the
47 primary voters or, if there is no binding
48 primary, the convention and/or caucus
49 participants.
- 50 B. States shall allocate district-level delegates
51 and alternates in proportion to the
52 percentage of the primary or caucus vote
53 won in that district by each preference,
54 except that preferences falling below a
55 fifteen percent (15%) threshold shall not be
56 awarded any delegates. Subject to section F.
57 of this rule, no state shall have a threshold
58 above or below fifteen percent (15%). States
59 which use a caucus/convention system,
60 shall specify in their Delegate Selection
61 Plans the caucus level at which such
62 percentages shall be determined.
63
- 64 C. A presidential candidate or his/her
65 authorized representative(s) should act in
66 good faith to slate delegate and alternate
67 candidates, however, in any event, if a
68 presidential candidate (including
69 uncommitted status) has qualified to receive
70 delegates and alternates but has failed to
71 slate a sufficient number of delegate and
72 alternate candidates, then additional
73 delegates and alternates for that preference
74 will be selected in a special post-primary
75 procedure. The State Party will administer
76 special post-primary procedures according
77 to rules approved by the DNC Rules and
78 Bylaws Committee and such procedures
79 should be set forth in the state's delegate
80 selection plan, where applicable.
81
- 82 D. District-level delegates and alternates shall
83 be allocated according to the following
84 procedures:
85
- 86 Step 1: Tabulate the percentage of the vote
87 that each presidential preference
88 (including uncommitted status)
89 receives in the congressional district
90 to three decimals.
91
- 92 Step 2: Retabulate the percentage of the
93 vote to three decimals, received by
94 each presidential preference
95 excluding the votes of presidential
96 preferences whose percentage in
97 Step 1 falls below 15%.
98
- 99 Step 3: Multiply the number of delegates to
100 be allocated by the percentage

2012 Delegate Selection Rules for the Democratic National Convention

- 1 received by each presidential 52
2 preference. 53
3 54
4 Step 4: Delegates shall be allocated to each 55
5 presidential preference based on the 56
6 whole numbers which result from 57
7 the multiplication in Step 3. 58
8
9 Step 5: Remaining delegates, if any, shall be 59
10 awarded in order of the highest 60
11 fractional remainders in Step 3. 61
12
13 E. At-large and pledged party leader and 62
14 elected official delegate and alternate 63
15 positions shall be allocated to presidential 64
16 preferences by reference to primary or 65
17 convention votes or to the division of 66
18 preference among district-level delegates or 67
19 alternates, as the case may be, as specified in 68
20 Rule 10.C., except that a preference falling 69
21 below a threshold of fifteen percent (15%) 70
22 shall not be awarded any delegates or 71
23 alternates at this level. Such delegates and 72
24 alternates in primary states shall be 73
25 allocated to presidential preference 74
26 (including uncommitted status) according 75
27 to the statewide primary vote. 76
28
29 F. In all situations where no preference reaches 77
30 the applicable threshold, the threshold shall 78
31 be the percentage of the vote received at 79
32 each level of the delegate selection process 80
33 by the front-runner minus 10 percent. 81
34
35 G. Under no circumstances shall the use of 82
36 single-delegate districts be permitted. 83
37
38 H. For the purpose of fairly reflecting the 84
39 division of preferences, the non-binding 85
40 advisory presidential preference portion of 86
41 primaries shall not be considered a step in 87
42 the delegate selection process and is 88
43 considered detrimental. State parties must 89
44 take steps to educate the public that a non- 90
45 binding presidential preference event is 91
46 meaningless, and state parties and 92
47 presidential candidates should take all steps 93
48 possible not to participate. 94
49
50 1. In a state that uses a caucus and/or 95
51 convention to determine presidential 96
97
98
99
100
101
- 52 preference of voters, the plan must
53 provide for the timely reporting of the
54 election results to the state party.
- ### 14. Petition Requirements and Filing Deadlines
- A. If a state requires the filing of petitions with the signatures of registered/enrolled voters as the sole method to place a presidential candidate's name on the primary ballot in connection with the Democratic presidential nominating process, such number of valid signatures shall not exceed 5,000.
- B. If a state requires the payment of a fee by a presidential candidate in connection with the Democratic presidential nominating process, such fee shall not exceed \$2,500.
- C. If a state requires the filing of a petition with the signatures of registered/enrolled voters in order to have a delegate/alternate candidate gain access to the primary ballot in connection with the Democratic presidential nominating process, the number of valid signatures shall not exceed either one half of one percent (.5%) of the registered/enrolled Democrats in such district or one half of one percent (.5%) of the total votes in such district for all Democratic presidential candidates (including uncommitted) during the immediately preceding presidential nominating process, whichever is lower, but in no event shall the number of valid signatures required exceed 500.
- D. Subject to the prior sections of this rule, the number of valid signatures required of a presidential candidate to file a petition to gain access to the primary ballot, and the number of valid signatures required of a delegate/alternate candidate to gain access to the primary ballot, and the fees required to be paid to the state by a presidential candidate and by a delegate/alternate candidate to gain access to the primary ballot, in connection with the Democratic presidential nominating process, shall not

2012 Delegate Selection Rules for the Democratic National Convention

1 exceed those in effect in the particular state
2 as of January 1, 1994.

3
4 E. No deadline for the filing of petitions for
5 participation in the presidential nomination
6 process by a presidential candidate shall be
7 less than 30 days in advance of the primary
8 or caucus nor more than 75 days in advance
9 of the primary or caucus.

10
11 F. No candidate for delegate or alternate shall
12 be required to file a statement of candidacy
13 or a pledge of support as required by Rule
14 12.B. prior to 30 days before such delegate
15 or alternate candidate is to be selected or
16 elected in a primary, caucus or pre-primary
17 caucus; provided, however, that in states
18 holding a presidential primary where
19 individual district-level delegates or
20 alternates are to be voted upon on the ballot,
21 no candidate for delegate or alternate shall
22 be required to submit or file a statement of
23 candidacy or a pledge of support prior to 90
24 days before the date on which they are to be
25 voted upon.

26
27 G. No candidate for at-large or pledged party
28 leader and elected official delegate or
29 alternate shall be required to file a statement
30 of candidacy or a pledge of support
31 required by Rule 12.B. prior to 30 days
32 before the date when the delegate or
33 alternate is to be selected or voted upon.

34
35 H. No state's delegate selection rules may
36 require the filing of district-level delegate or
37 alternate candidates pledged to a
38 presidential candidate or uncommitted
39 status as a condition of access by a
40 presidential candidate to the primary ballot
41 for voting upon presidential preference.

43 15. Quorum Requirements

44
45 No less than forty percent (40%) of the members
46 of any Party body above the first level of the
47 delegate selection process shall constitute a
48 quorum for any business pertaining to the
49 selection of convention delegates.

50 16. Proxy Voting

51
52 To insure full participation in the delegate
53 selection process, state party rules may, at their
54 discretion, provide for proxy voting. Such rules
55 shall allow an accredited participant in a
56 caucus, convention or committee meeting, after
57 having appeared at such meeting and having
58 established credentials, to register the non-
59 transferable proxy with another duly accredited
60 participant at that meeting (except where an
61 accredited alternate is present and eligible to
62 serve as a replacement). No such rule shall
63 allow a person to hold more than three (3)
64 proxies at a time.

66 17. Unit Rule and Slate-Making

- 67
68 A. The unit rule, or any rule or practice
69 whereby all members of a Party unit or
70 delegation may be required to cast their
71 votes in accordance with the will of a
72 majority of the body, shall not be used at
73 any stage of the delegate selection process.
74
75 B. Any individual or group of Democrats may
76 sponsor or endorse a slate of candidates for
77 convention delegates. But no slate may, by
78 virtue of such endorsement, receive a
79 preferential place on a delegate selection
80 ballot or be publicly identified on the ballot
81 as the official Democratic Party organization
82 slate, and all slates must meet identical
83 qualifying requirements for appearing on a
84 ballot at all levels of the delegate selection
85 process.

87 18. Alternates and 88 Vacancies***

- 89
90 A. Alternate delegates shall be selected by
91 primary, convention or committee processes
92 subject to the same National Party Rules
93 applicable to the selection of delegates,
94 except that the provisions of Rules 9.A. and
95 9.B. shall not apply to the election of
96 alternates. Each State Democratic Chair
97 shall certify all alternates in writing to the
98 Secretary of the DNC.

2012 Delegate Selection Rules for the Democratic National Convention

- 1 B. If a given presidential preference is entitled 52
2 to one or more delegate positions in a state 53
3 but would not otherwise be entitled to an 54
4 alternate position, that preference shall be 55
5 allotted one at-large alternate position. 56
6 57
- 7 C. The proportions of alternates elected at the 58
8 district level, and at-large, and as pledged 59
9 party leader and elected official alternates, 60
10 may be the same as the proportions of 61
11 delegates elected in those categories. 62
12 63
- 13 D. Each state Delegate Selection Plan shall 64
14 specifically provide how and under what 65
15 conditions an alternate is to replace or act in 66
16 lieu of (collectively referred to as "replace" 67
17 or "replaces") a delegate. 68
18 69
- 19 1. Delegate Selection Plans may specify 70
20 one or any combination of the following 71
21 alternatives for permanent and 72
22 temporary replacements: 73
23 74
- 24 a. The delegate chooses the alternate; 75
25 76
26 b. The delegation chooses the 77
27 alternate; 78
28 79
29 c. The alternate who receives the 80
30 highest number of votes; or 81
31 82
32 d. Such other process as protects the 83
33 interests of presidential candidates, 84
34 delegates and alternates. 85
35 86
- 36 2. A permanent replacement occurs when 87
37 a delegate resigns or dies prior to and 88
38 during the National Convention and the 89
39 alternate replaces the delegate for the 90
40 remainder of the National Convention. 91
41 Any alternate who permanently 92
42 replaces a delegate shall be certified in 93
43 writing to the Secretary of the DNC by 94
44 the State Democratic Chair. He/She 95
45 shall be of the same presidential 96
46 preference (including uncommitted 97
47 status) and sex of the delegate he/she 98
48 replaces, and to the extent possible shall 99
49 be from the same political subdivision
50 within the state as the delegate; except
51 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 9.A. and 9.B. shall not be entitled to
name a replacement under Rule 18.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.

19. 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.

2012 Delegate Selection Rules for the Democratic National Convention

- 1 C. The DNC Rules and Bylaws Committee will
2 provide state parties with a model Delegate
3 Selection and Affirmative Action Plan.
4
- 5 D. The DNC Rules and Bylaws Committee
6 shall:
7
- 8 1. review Affirmative Action and Delegate
9 Selection Plans submitted by state
10 parties and approve or recommend
11 changes in such plans;
12
 - 13 2. conduct periodic evaluations and
14 provide technical assistance to state
15 parties on affirmative action and
16 delegate selection implementation;
17
 - 18 3. hear and recommend solutions to
19 affirmative action complaints
20 unresolved by appropriate state party
21 bodies.
22
- 23 E. The DNC Rules and Bylaws Committee
24 shall retain jurisdiction over the approval of
25 amendments to state Delegate Selection
26 Plans and state delegation compliance with
27 equal division requirements, even after the
28 Convention Credentials Committee assumes
29 jurisdiction over challenges to the
30 credentials of delegates.
31
- 32 F. No later than ~~December 15, 2006~~ December
33 15, 2010, the DNC Rules and Bylaws
34 Committee shall send to state parties its
35 regulations adopted pursuant to these rules
36 and a checklist.
37
- 38 G. The DNC shall allocate sufficient financial
39 resources and staff to implement this rule.
40
- 41 **20. Challenges*****
42
- 43 A. Jurisdictional Challenges. Any challenges
44 to a state party organization in respect to its
45 status as the body entitled to sponsor a
46 delegation from that state must be
47 presented to the DNC at any time up to
48 thirty (30) days prior to the initiation of the
49 state's delegate selection process. Such a
50 challenge must be brought by at least fifteen
51 (15) Democrats from the state.
 - 52 B. Submission, Non-Implementation and
53 Violation Challenges. Failure to submit or
54 implement an approved affirmative action
55 program by the deadline specified in these
56 rules shall constitute grounds for a
57 challenge with the burden of proof on the
58 challenged party.
59
 - 60 1. At any time up to thirty (30) days prior
61 to the initiation of the state's delegate
62 selection process, any group of not less
63 than fifteen (15) Democrats in that state
64 can challenge the affirmative action
65 program on the basis of non-
66 implementation of a specific
67 requirement of a state plan, which
68 challenge shall include reasonable
69 documentation of alleged violations. (In
70 such challenges, the challenging party
71 shall have the burden of proof, but the
72 challenged party shall present its case
73 first.)
74
 - 75 a. In the absence of any such
76 challenge, the implementation of
77 any such program shall be
78 presumptively in compliance.
79
 - 80 b. If challenged and upheld, the
81 compliance of such implementation
82 programs shall be conclusive but not
83 as to compliance or non-compliance
84 that may occur after the date of the
85 challenge.
86
 - 87 2. Challenges regarding alleged violation
88 of an approved Delegate Selection Plan
89 shall first be brought to the appropriate
90 state Democratic Party body for a
91 decision to be rendered within twenty-
92 one (21) days. After due notice, any
93 aggrieved party shall have the right to
94 appeal to the DNC Rules and Bylaws
95 Committee within ten (10) days
96 following the decision of the state body
97 according to procedures established by
98 DNC Rules and Bylaws Committee.
99
 - 100 3. The DNC Rules and Bylaws Committee
101 shall either certify compliance, certify
102 non-compliance or require corrective

2012 Delegate Selection Rules for the Democratic National Convention

- 1 action after which compliance or non- 52
2 compliance shall be certified. 53
3 54
- 4 C. 1. a. Violation of timing: In the event the 55
5 Delegate Selection Plan of a state 56
6 party provides or permits a meeting, 57
7 caucus, convention or primary 58
8 which constitutes the first 59
9 determining stage in the 60
10 presidential nominating process to 61
11 be held prior to or after the dates for 62
12 the state as provided in Rule 11 of 63
13 these rules, or in the event a state 64
14 holds such a meeting, caucus, 65
15 convention or primary prior to or 66
16 after such dates, the number of 67
17 pledged delegates elected in each 68
18 category allocated to the state 69
19 pursuant to the Call for the National 70
20 Convention shall be reduced by fifty 71
21 (50%) percent, and the number of 72
22 alternates shall also be reduced by 73
23 fifty (50%) percent. In addition, 74
24 none of the members of the 75
25 Democratic National Committee 76
26 and no other unpledged delegate 77
27 allocated pursuant to Rule 8.A. from 78
28 that state shall be permitted to vote 79
29 as members of the state's delegation. 80
30 In determining the actual number of 81
31 delegates or alternates by which the 82
32 state's delegation is to be reduced, 83
33 any fraction below .5 shall be 84
34 rounded down to the nearest whole 85
35 number, and any fraction of .5 or 86
36 greater shall be rounded up to the 87
37 next nearest whole number. 88
38 89
- 39 b. A presidential candidate who 90
40 campaigns in a state where the state 91
41 party is in violation of the timing 92
42 provisions of these rules, or where a 93
43 primary or caucus is set by a state's 94
44 government on a date that violates 95
45 the timing provisions of these rules, 96
46 may not receive pledged delegates 97
47 or delegate votes from that state. 98
48 Candidates may, however, 99
49 campaign in such a state after the 100
50 primary or caucus that violates these 101
51 rules. "Campaigning" for purposes 102
- of this section includes, but is not 52
limited to, purchasing print, 53
internet, or electronic advertising 54
that reaches a significant percentage 55
of the voters in the aforementioned 56
state; hiring campaign workers; 57
opening an office; making public 58
appearances; holding news 59
conferences; coordinating volunteer 60
activities; sending mail, other than 61
fundraising requests that are also 62
sent to potential donors in other 63
states; using paid or volunteer 64
phoners or automated calls to 65
contact voters; sending emails or 66
establishing a website specific to 67
that state; holding events to which 68
Democratic voters are invited; 69
attending events sponsored by state 70
or local Democratic organizations; 71
or paying for campaign materials to 72
be used in such a state. The Rules 73
and Bylaws Committee will 74
determine whether candidate 75
activities are covered by this section. 76
2. Violation of proportional representation: 77
In the event the Delegate Selection Plan 78
of a state party provides or permits the 79
pledged delegates or alternates to be 80
allocated to a presidential preference 81
(including uncommitted status) other 82
than as provided under Rule 13 of these 83
rules, or in the event a state party, in 84
fact, allocates its pledged delegates or 85
alternates to a presidential preference 86
(including uncommitted status) other 87
than as provided under Rule 13 of these 88
rules, the delegation of the state shall be 89
reduced by the same amount and as 90
provided in section C.(1) of this rule. 91
3. Violation of the threshold: In the event 92
the Delegate Selection Plan of a state 93
party provides or permits a threshold 94
other than fifteen percent (15%) percent 95
as set forth in Rule 13 of these rules, or 96
in the event a state party in fact permits 97
the implementation of a threshold other 98
than fifteen percent (15%) percent as 99
provided in Rule 13 of these rules, the 100
101
102

2012 Delegate Selection Rules for the Democratic National Convention

- 1 delegation of the state shall be reduced 52
2 by the same amount and as provided in 53
3 section C.(1) of this rule. 54
4 55
- 5 4. Upon a determination of the DNC Rules 56
6 and Bylaws Committee that a state is in 57
7 violation as set forth in subsections (1), 58
8 (2) or (3) of section C. of this rule, the 59
9 reductions required under those 60
10 subsections shall become effective 61
11 automatically and immediately and 62
12 without further action of the DNC Rules 63
13 and Bylaws Committee, the Executive 64
14 Committee of the DNC, the DNC or the 65
15 Credentials Committee of the 66
16 Democratic National Convention. 67
17 68
- 18 5. Nothing in the preceding subsections of 69
19 this rule shall be construed to prevent 70
20 the DNC Rules and Bylaws Committee 71
21 from imposing additional sanctions, 72
22 including, without limitation, those 73
23 specified in subsection (6) of this section 74
24 C., against a state party and against the 75
25 delegation from the state which is 76
26 subject to the provisions of any of 77
27 subsections (1) through (3) of this 78
28 section C., including, without limitation, 79
29 establishing a committee to propose and 80
30 implement a process which will result in 81
31 the selection of a delegation from the 82
32 affected state which shall (i) be broadly 83
33 representative, (ii) reflect the state's 84
34 division of presidential preference and 85
35 uncommitted status and (iii) involve as 86
36 broad participation as is practicable 87
37 under the circumstances. 88
38 89
- 39 6. Nothing in these rules shall prevent the 90
40 DNC Rules and Bylaws Committee 91
41 from imposing sanctions the Committee 92
42 deems appropriate with respect to a 93
43 state which the Committee determines 94
44 has failed or refused to comply with 95
45 these rules, where the failure or refusal 96
46 of the state party is not subject to 97
47 subsections (1), (2) or (3) of this section 98
48 C. Possible sanctions include, but are 99
49 not limited to: reduction of the state's 100
50 delegation; pursuant to Rule 21.C., 101
51 recommending the establishment of a 102
- 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

2012 Delegate Selection Rules for the Democratic National Convention

1 and acted in good faith to achieve
2 legislative changes to bring the state law
3 into compliance with the pertinent
4 provisions of these rules and that it and
5 the other relevant Democratic party
6 leaders and elected officials took all
7 provable, positive steps and acted in
8 good faith in attempting to prevent the
9 legislative changes which resulted in
10 state law that fails to comply with the
11 pertinent provisions of these rules.

12
13 8. A state party may provide in its
14 Delegate Selection Plan the specific
15 method and procedures by which it will
16 reduce its delegation pursuant to this
17 Rule 20 in the event the state party or
18 delegation becomes subject to this Rule
19 20 by which categories of delegates
20 must be reduced by fifty percent (50%)
21 percent, which specific method and
22 procedures shall be subject to the review
23 and approval of the DNC Rules and
24 Bylaws Committee. In the event a
25 state's Delegate Selection Plan does not
26 provide for the specific method and
27 procedures referred to in the
28 immediately preceding sentence, or in
29 the event the state's Delegate Selection
30 Plan is either not approved by the DNC
31 Rules and Bylaws Committee or the
32 specific method and procedures referred
33 to in the first sentence of this subsection
34 (8) are not approved by the DNC Rules
35 and Bylaws Committee, or in the event a
36 state's Delegate Selection Plan specifies
37 the method and procedures which have
38 been approved by the DNC Rules and
39 Bylaws Committee, but the state party
40 fails or refuses to implement those
41 specific method and procedures, and in
42 the event the state's delegation is
43 required to be reduced pursuant to this
44 Rule 20, then the DNC Rules and
45 Bylaws Committee shall, by lottery, or
46 other appropriate method determined
47 by the DNC Rules and Bylaws
48 Committee, determine which delegates
49 and alternates shall not be a part of the
50 state's delegation in order to achieve the
51 reduction of the state's delegation

52 pursuant to this Rule 20. Any reduction
53 of delegates under this provision shall
54 be accomplished in a manner which
55 complies with the requirement of
56 proportional representation as provided
57 for in Rule 13.

58
59 9. Except as provided by subsection (7) of
60 this section C., the fact that a state party
61 took provable, positive steps as
62 provided in Rule 21 of these rules shall
63 not preclude the state's delegation from
64 being subject to the sanctions set forth in
65 subsections (1), (2), (3), (4) and (5) of this
66 section C.

67
68 D. Unresolved Challenges and Report to the
69 Credentials Committee. The DNC Rules and
70 Bylaws Committee shall report its activities,
71 together with all challenges and complaints,
72 to the Credentials Committee of the
73 Democratic National Convention. In cases
74 involving unresolved challenges which are
75 appealed to the Credentials Committee, the
76 burden of proof shall rest with the party
77 presenting the challenge.

78 79 **21. State Legislative Changes**

80
81 A. Subject to Rule 18.C. of these Rules,
82 wherever any part of any section contained
83 in these rules conflicts with existing state
84 laws, the state party shall take provable
85 positive steps to achieve legislative changes
86 to bring the state law into compliance with
87 the provisions of these rules.

88
89 B. Provable positive steps shall be taken in a
90 timely fashion and shall include: the
91 drafting of corrective legislation; public
92 endorsement by the state party of such
93 legislation; efforts to educate the public on
94 the need for such legislation; active support
95 for the legislation by the state party
96 lobbying state legislators, other public
97 officials, Party officials and Party members;
98 and encouraging consideration of the
99 legislation by the appropriate legislative
100 committees and bodies.

2012 Delegate Selection Rules for the Democratic National Convention

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