



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**

*Reflects changes drafted by the DNC Rules and Bylaws Committee at its meetings on May 21-22, 2010, July 9-10, 2010, August 12, 2010 and August 19, 2010 and is recommended for adoption by the full DNC at its meeting August 20, 2010.*



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# PROPOSED DELEGATE SELECTION RULES

## FOR THE 2012 DEMOCRATIC NATIONAL CONVENTION

PROPOSED DRAFT

*Reflects changes drafted by the DNC Rules and Bylaws Committee at its meetings on May 21-22, 2010, July 9-10, 2010, August 12, 2010 and August 19, 2010 and is recommended for adoption by the full DNC at its meeting August 20, 2010.*

1	<b>1. Publication and Submission of</b>	37			
2	<b>State Party Rules</b>	38			
3		39			
4	A. State parties shall adopt Affirmative Action	40	8.	Procedures for ascertaining	
5	and Delegate Selection Plans which contain	41		delegate/alternate preference at all	
6	explicit rules and procedures governing all	42	9.	Procedures for presidential candidate	
7	aspects of the delegate selection process.	43		right of approval;	
8	These rules shall include, but are not limited	44	10.	Method of awarding delegates and	
9	to:	45		alternates to presidential candidates;	
10		46	11.	Methods and timetable for the selection	
11	1. Procedures for electing and certifying	47		of permanent standing committee	
12	delegates and alternates at all levels;	48		members;	
13		49	12.	Procedures for challenges of the	
14	2. Timing of primary/caucuses/	50		delegate selection, and affirmative	
15	conventions;	51		action and inclusion processes;	
16		52	13.	Methods and timetable for the selection	
17	3. Procedures providing for equal division	53		of convention pages; and	
18	in each state's convention delegation;	54	14.	Other appropriate provisions from these	
19		55		Rules, the Call and the Regulations.	
20	4. Procedures providing for the selection	56	B.	The following items are to be routinely	
21	of the chair of the delegation;	57		included at an appropriate place in each	
22		58		state plan:	
23	5. Particulars concerning the scheduling of	59			
24	delegate selection meetings including	60	1.	Eligibility requirements for participation	
25	methods by which each meeting or	61		in the delegate selection process in	
26	event will be publicized;	62		conformance with Rule 2 [Rule 2];	
27		63	2.	Prohibition of cost and fees [Rule 2.D.];	
28	6. Affirmative Action Plans and Inclusion	64			
29	Programs in detail including affirmative	65	3.	Prohibition of participation by those	
30	action and inclusion obligations of	66		participating in another party's process	
31	presidential candidates;	67		[Rule 2.E.];	
32		68			
33	7. All petition requirements and filing	69			
34	deadlines for delegate and alternate	70			
35	candidates and for presidential	71			
36	candidates;	72			
		73			

## 2012 Delegate Selection Rules for the Democratic National Convention

- 1 4. One-meeting limitation for first-stage 48  
2 participants [Rule 3.E.]; 49  
3 50  
4 5. "Six basic elements" of an open party 51  
5 [Rule 4]; 52  
6 53  
7 6. Non-discrimination principles [Rule 5]; 54  
8 55  
9 7. Requirement that all steps take place 56  
10 within calendar year of convention 57  
11 [Rule 11.]; 58  
12 59  
13 8. Required identification of preference of 60  
14 candidates for delegate and alternate 61  
15 [Rule 12.A.]; 62  
16 63  
17 9. Protection against coerced vote [Rule 64  
18 12.I]; 65  
19 66  
20 10. Quorum requirements [Rule 15]; 67  
21 68  
22 11. Proxy voting rules, if any [Rule 16]; 69  
23 70  
24 12. Unit rule prohibition [Rule 17.A.]; 71  
25 72  
26 13. Slate making limitations [Rule 17.B.]; 73  
27 and 74  
28 75  
29 14. Succession of alternates to delegate 76  
30 status and filling of vacancies in 77  
31 delegate positions [Rule 18]. 78  
32 79  
33 C. Each state party shall provide for a thirty 80  
34 (30) day<sup>1</sup> period of public comment to solicit 81  
35 opinion on the state's Affirmative Action 82  
36 Plan, Inclusion Program and Delegate 83  
37 Selection Plan prior to adoption. All written 84  
38 public comments submitted to the state 85  
39 Democratic Committee shall be submitted 86  
40 along with the plans to the Rules and 87  
41 Bylaws Committee of the Democratic 88  
42 National Committee ("DNC Rules and 89  
43 Bylaws Committee"). 90  
44 91  
45 D. State Delegate Selection Plans, Affirmative 92  
46 Action Plans and Inclusion Programs shall 93  
47 be submitted to the DNC Rules and Bylaws 94  
95  
96  
97
- E. The DNC Rules and Bylaws Committee shall act on the proposed plans as soon as practicable, but in no case later than September 16, 2011, or four months before the respective state's first determining step, whichever is earlier. Its decision shall be final and binding.
- F. Implementation of state Affirmative Action Plans and Inclusion Programs shall begin no later than September 16, 2011, or four months before the respective state's first determining step, whichever is earlier.
- G. State Delegate Selection Plans shall specify the methods and timetable to be followed in selecting members of standing committees of the national convention. These procedures shall be in conformity with the rules to be contained in the Call for the 2012 Convention.
- H. The Democratic National Committee ("DNC") and the state parties shall publish and make available at no cost their rules, the 2012 National Delegate Selection Rules, and a clear and concise explanation of how Democratic voters can participate in the delegate selection process. The DNC shall prepare and provide at no cost to state parties a clear and concise explanation of the 2012 Delegate Selection Rules. This shall be done no later than October 1 of the calendar year immediately preceding the calendar year of the national convention.

## 2. Participation

- A. Participation in the delegate selection process shall be open to all voters who wish to participate as Democrats.
1. Democratic voters shall be those persons who publicly declare their Party preference and have that preference publicly recorded.

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

## 2012 Delegate Selection Rules for the Democratic National Convention

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- 1 2. Implementation of this administrative 52 accordance with the provisions of this Rule  
2 matter shall be delegated to the DNC 53 2.  
3 Rules and Bylaws Committee. 54
- 4 55 F. The casting of ballots over the Internet may  
5 B. Nothing in these rules shall be interpreted 56 be used as a method of voting in a vote only  
6 to encourage or permit states with party 57 for presidential preference in a state party-  
7 registration and enrollment, or states that 58 run primary constituting the first  
8 limit participation to Democrats only, to 59 determining stage in the presidential  
9 amend their systems to open participation 60 nominating process, and only if such casting  
10 to members of other parties. 61 of ballots over the Internet:  
11 62
- 12 C. State parties shall take all feasible steps to 63 1. Is used in a system in which voters may  
13 encourage non-affiliated and new voters to 64 cast their ballots in person on the day of  
14 register or enroll, to provide simple 65 such primary and by mail, and in which  
15 procedures through which they may do so 66 casting of ballots over the Internet is an  
16 and to eliminate excessively long waiting 67 alternate means of voting;  
17 periods for voters wishing to register or to 68  
18 change their party enrollment status. In all 69 2. Is accompanied by a comprehensive,  
19 caucuses or conventions conducted 70 proactive education and outreach  
20 pursuant to these rules, all Democrats who 71 program on the use of Internet voting  
21 comply with Rule 2.A, 2.A.(1), and 2.A.(2). 72 that is set forth in the state's delegate  
22 shall be allowed to participate. 73 selection plan and approved by the  
23 74 DNC Rules and Bylaws Committee;  
24 D. At no stage of the delegate selection process 75  
25 shall any person be required, directly or 76  
26 indirectly, to pay a cost or fee as a condition 77  
27 for participating in the delegate selection 78  
28 process. Voluntary contributions to the 79  
29 Party may be made, but under no 80  
30 circumstances shall a contribution be 81  
31 mandatory for participation. 82  
32 83
- 33 E. No person shall participate or vote in the 84  
34 nominating process for a Democratic 85  
35 presidential candidate who also participates 86  
36 in the nominating processes of any other 87  
37 party for the corresponding elections. In 88  
38 accordance with Article Nine, Section 12 of 89  
39 the Charter of the Democratic Party of the 90  
40 United States, votes shall not be taken by 91  
41 secret ballot at any stage of the delegate 92  
42 selection process, including processes 93  
43 leading up to the selection of DNC 94  
44 Members or State Chairs and Vice Chairs, 95  
45 who serve as DNC members by virtue of 96  
46 their office, except that use of such voting 97  
47 by secret ballot may be used in a state run or 98  
48 state party run primary which constitutes 99  
49 the first determining stage of the delegate 100  
50 election process and in which all individual 101  
51 voters are eligible to participate in

## 2012 Delegate Selection Rules for the Democratic National Convention

- 1 G. In states using government-run voting 51  
2 systems in the delegate selection process, 52  
3 State Delegate Selection Plans shall include 53  
4 provable positive steps (as defined in Rule 54  
5 21) taken or to be taken by the state party to: 55  
6 56  
7 1. Promote the acquisition of accessible 57  
8 precinct based optical scan systems 58  
9 wherever possible; 59  
10 B. All such meetings or events which are the 60  
11 first meeting or event in the delegate 61  
12 selection process shall be scheduled at times 62  
13 and dates which are uniform throughout 63  
14 the state, except where it is established by 64  
15 the state party and approved by the DNC 65  
16 Rules and Bylaws Committee that such 66  
17 uniform times and dates would significantly 67  
18 reduce participation in the delegate 68  
19 selection process. 69  
20 C. The times, dates, places, and rules for the 70  
21 conduct of all caucuses, conventions, 71  
22 meetings and other events involved in the 72  
23 delegate selection process shall be 73  
24 effectively publicized by the Party 74  
25 organization, official, candidate or member 75  
26 calling the same. 76  
27 D. Concise statements in advance of all 77  
28 meetings and events concerning the 78  
29 relationship between the business to be 79  
30 conducted and the delegate selection 80  
31 process shall be effectively publicized by the 81  
32 Party organization, official, candidate or 82  
33 member calling the same. 83  
34 E. No person shall participate in more than 84  
35 one meeting which is the first meeting in the 85  
36 delegate selection process. 86  
37  
38  
39  
40  
41  
42  
43  
44  
45 **3. Scheduling of Delegate**  
46 **Selection Meetings**  
47  
48 A. All official Party meetings and events 98  
49 related to the national convention delegate 99  
50 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.
1. Automatic routine manual audits  
comparing paper records to  
electronic records following every  
election and prior to certification of  
results where possible;
2. Parallel testing on Election Day;
3. Physical and electronic security for  
equipment;
4. Banning use of wireless components  
and connections;
5. Public disclosure of software design;
6. Use of transparent and random  
selection for all auditing procedures;
7. Effective procedures for addressing  
evidence of fraud or error.
- 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.



## 2012 Delegate Selection Rules for the Democratic National Convention

- 1 B. The 1964 Democratic National Convention 52  
2 adopted a resolution which conditioned the 53  
3 seating of delegates at future conventions 54  
4 on the assurances that discrimination in any 55  
5 state party affairs on the ground of race, 56  
6 color, creed or national origin did not occur. 57  
7 The 1968 Convention adopted the 1964 58  
8 Convention resolution for inclusion in the 59  
9 Call for the 1972 Convention. In 1966, the 60  
10 Special Equal Rights Committee, which had 61  
11 been created in 1964, adopted six anti- 62  
12 discrimination standards – designated as 63  
13 the Six Basic Elements, which, as updated, 64  
14 are as follows: 65  
15  
16 1. All public meetings at all levels of the 66  
17 Democratic Party in each state should be 67  
18 open to all members of the Democratic 68  
19 Party regardless of race, sex, age, color, 69  
20 creed, national origin, religion, ethnic 70  
21 identity, sexual orientation, economic 71  
22 status or physical disability (hereinafter 72  
23 collectively referred to as “status”). 73  
24 74  
25 2. No test for membership in, nor any 75  
26 oaths of loyalty to, the Democratic Party 76  
27 in any state should be required or used 77  
28 which has the effect of requiring 78  
29 prospective or current members of the 79  
30 Democratic Party to acquiesce in, 80  
31 condone or support discrimination 81  
32 based on “status.” 82  
33 83  
34 3. The time and place for all public 84  
35 meetings of the Democratic Party on all 85  
36 levels should be publicized fully and in 86  
37 such manner as to assure timely notice 87  
38 to all interested persons. Such meetings 88  
39 must be held in places accessible to all 89  
40 Party members and large enough to 90  
41 accommodate all interested persons. 91  
42 4. The Democratic Party, on all levels, 92  
43 should support the broadest possible 93  
44 registration without discrimination 94  
45 based on “status.” 95  
46 96  
47 5. The Democratic Party in each state 97  
48 should publicize fully and in such a 98  
49 manner as to assure notice to all 99  
50 interested parties a full description of 100  
51 the legal and practical procedures for 101  
102 selection of Democratic Party officers  
and representatives on all levels.  
Publication of these procedures should  
be done in such fashion that all  
prospective and current members of  
each state Democratic Party will be fully  
and adequately informed of the  
pertinent procedures in time to  
participate in each selection procedure  
at all levels of the Democratic Party  
organization.
6. The Democratic Party in each state  
should publicize fully and in such a  
manner as to assure notice to all  
interested parties a complete description  
of the legal and practical qualifications  
of all positions as officers and  
representatives of the state Democratic  
Party. Such publication should be done  
in timely fashion so that all prospective  
candidates or applicants for any elected  
or appointed position within each state  
Democratic Party will have full and  
adequate opportunity to compete for  
office.
- C. These provisions demonstrate the intention  
of the Democratic Party to ensure a full  
opportunity for all “status” (as defined in  
Rule 4.B.(1)) members to participate in the  
delegate selection process.

### 5. Non-Discrimination

- A. In order that the Democratic Party at all  
levels be an open Party which includes  
rather than excludes people from  
participation, a program of effective  
affirmative action and inclusion is hereby  
adopted.
- B. Discrimination on the basis of “status” in  
the conduct of Democratic Party affairs is  
prohibited.
- C. In order to continue the Democratic Party’s  
ongoing efforts to include groups  
historically under-represented in the  
Democratic Party’s affairs, by virtue of race,  
ethnicity, age, sexual orientation or

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1 disability, each state party shall develop and  
2 submit Party outreach programs, including  
3 recruitment, education and training, in  
4 order to achieve full participation by such  
5 groups and diversity in the delegate  
6 selection process and at all levels of Party  
7 affairs.

### 9 **6. Affirmative Action**

10  
11 A. The promises of a democratically elected  
12 government and the right to vote have not  
13 always been extended equally to all  
14 Americans. Historically, certain groups of  
15 Americans have been explicitly denied the  
16 right to vote or have been subjected to  
17 discriminatory and exclusionary practices  
18 with the intended effect of denying them  
19 voting rights. In recognition of this past  
20 history of discriminatory denial of the  
21 franchise and in order to encourage full  
22 participation by all Democrats in the  
23 delegate selection process and in all Party  
24 affairs, the national and state Democratic  
25 Parties shall adopt and implement  
26 affirmative action programs with specific  
27 goals and timetables for African Americans,  
28 Hispanics, Native Americans, Asian  
29 Americans and Pacific Islanders and  
30 women.

- 31  
32 1. The goal of such affirmative action shall  
33 be to achieve participation in the  
34 delegate selection process and in Party  
35 organizations at all levels by the  
36 aforementioned groups as indicated by  
37 their presence in the Democratic  
38 electorate.
- 39  
40 2. This goal shall not be accomplished  
41 either directly or indirectly by the  
42 Party's imposition of mandatory quotas  
43 at any level of the delegate selection  
44 process or in any other Party affairs.
- 45  
46 3. In the selection of each state's at-large  
47 delegation, priority of consideration  
48 shall be given to African Americans,  
49 Hispanics, Native Americans, Asian  
50 Americans and Pacific Islanders and  
51 women, if such priority of consideration

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

- 68  
69 B. Performance under an approved  
70 Affirmative Action Plan and composition of  
71 the convention delegation shall be  
72 considered relevant evidence in the  
73 challenge to any state delegation. If a state  
74 party has adopted and implemented an  
75 approved affirmative action program, the  
76 state party shall not be subject to challenge  
77 based solely on delegation composition or  
78 primary results.
- 79  
80 C. State Delegate Selection Plans shall provide  
81 for equal division between delegate men  
82 and delegate women and alternate men and  
83 alternate women within the state's entire  
84 convention delegation. For purposes of this  
85 rule, the entire delegation includes all  
86 pledged delegates and alternates and  
87 unpledged delegates (including unpledged  
88 party leaders and elected official delegates  
89 and unpledged add-on delegates).
- 90  
91 1. State Delegate Selection Plans shall, as  
92 far as mathematically practicable, also  
93 provide for equal division between  
94 district-level delegate men and delegate  
95 women and district-level alternate men  
96 and alternate women.
- 97  
98 2. The DNC Rules and Bylaws Committee  
99 shall have continuing jurisdiction to  
100 ensure compliance with this equal  
101 division requirement. No at-large  
102 delegate or alternate from a state shall

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1 be placed on the temporary roll of the  
2 2012 Democratic National Convention  
3 unless the Rules and Bylaws Committee  
4 has certified to the Secretary of the  
5 Democratic National Committee that  
6 such state's delegation complies with  
7 this equal division rule. It shall be the  
8 duty of the DNC Rules and Bylaws  
9 Committee to determine such  
10 compliance as soon as practicable  
11 following the certification of the state's  
12 at-large delegates and alternates.

13  
14 3. Notwithstanding sub-paragraph A.(2)  
15 above, equal division at any level of  
16 delegate or committee positions  
17 between delegate men and delegate  
18 women or committeemen and  
19 committeewomen shall not constitute a  
20 violation of any provision thereof.

21  
22 D. For purposes of providing adequate notice  
23 of the delegate selection process under Rule  
24 3, the times, dates, places and rules for the  
25 conduct of all caucuses, conventions,  
26 meetings and other events involved in the  
27 delegate selection process shall be  
28 effectively publicized, multilingually where  
29 necessary, to encourage the participation of  
30 minority groups.

31  
32 E. State Democratic Parties shall ensure that  
33 district lines used in the delegate selection  
34 process are not gerrymandered to  
35 discriminate against African Americans,  
36 Hispanics, Native Americans, Asian  
37 Americans and Pacific Islanders or women.

38  
39 F. Each state Affirmative Action Plan shall  
40 provide for the appointment of a  
41 representative state Affirmative Action  
42 Committee by March 1, 2011. Before the  
43 state party submits its Plan to the DNC  
44 Rules and Bylaws Committee, the  
45 Affirmative Action Committee shall review  
46 the proposed outreach program required in  
47 Rule 5.C.

48  
49 G. Each state affirmative action program shall  
50 include outreach provisions to encourage  
51 the participation and representation of

52 persons of low and moderate income, and a  
53 specific plan to help defray expenses of  
54 those delegates otherwise unable to  
55 participate in the national convention.

56  
57 H. State parties in their Delegate Selection  
58 Plans shall impose reasonable specific  
59 affirmative action and inclusion obligations  
60 upon presidential candidates consistent  
61 with the delegate selection system  
62 employed by the state.

63  
64 1. State parties shall require presidential  
65 candidates to submit statements that  
66 specify what steps such candidates will  
67 take to encourage full participation in  
68 their delegate selection process,  
69 including, but not limited to, procedures  
70 by which persons may file as candidates  
71 for delegate or alternate. Provided  
72 further that presidential candidates  
73 submit such full participation  
74 statements to the DNC Rules and  
75 Bylaws Committee at the same time  
76 they are submitted to state parties.

77  
78 2. State parties shall require presidential  
79 candidates to submit demographic  
80 information with respect to candidates  
81 for delegate and alternate pledged to  
82 them.

83  
84 I. Each state party shall certify to the Rules  
85 and Bylaws Committee whether each  
86 presidential candidate (including  
87 uncommitted status) has used best efforts to  
88 ensure that their respective delegations at  
89 each level within a state's delegation shall  
90 fulfill the requirements of Rule 6 and Rule 7  
91 established by the state's Delegate Selection  
92 Plan and that the respective delegations of  
93 each presidential candidate within the  
94 state's delegation shall be equally divided  
95 between men and women.

### 96 97 **7. Inclusion Programs**

98  
99 The Democratic National Committee recognizes  
100 that other groups of Americans in addition to  
101 those described in Rule 6 may be under-

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1 represented in Party affairs. These groups  
2 include members of the LGBT community,  
3 people with disabilities, and youth. The  
4 National and State Parties shall adopt and  
5 implement Inclusion Programs in order to  
6 achieve the full participation of members of  
7 these and other groups in the delegate selection  
8 process and in all party affairs, as indicated by  
9 their presence in the Democratic electorate. As  
10 is already the practice in some states, State  
11 Parties may use goals to achieve these ends;  
12 however, in no event may such participation be  
13 accomplished by the use of quotas.

14

### 15 **8. National Convention Delegate** 16 **Apportionment**

17

18 A. Apportionment of district-level delegates  
19 within states shall be based on one of the  
20 following:

21

22 1. A formula giving equal weight to total  
23 population and to the average of the  
24 vote for the Democratic candidates in  
25 the two most recent presidential  
26 elections;

27

28 2. A formula giving equal weight to the  
29 vote for the Democratic candidates in  
30 the most recent presidential and  
31 gubernatorial elections;

32

33 3. A formula giving equal weight to the  
34 average of the vote for the Democratic  
35 candidates in the two most recent  
36 presidential elections and to Democratic  
37 Party registration or enrollment as of  
38 January 1, 2012; or

39

40 4. A formula giving one-third (1/3) weight  
41 to each of the formulas in items (1), (2),  
42 and (3).

43

44 B. Apportionment for each body selecting  
45 delegates to state, district, and county  
46 conventions shall be based upon population  
47 and/or some measure of Democratic  
48 strength.

49

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

63

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

72

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

85

### 86 **9. Unpledged and Pledged Party** 87 **Leaders and Elected Official** 88 **Delegates**

89

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

93

94 Not later than March 1, 2012, the Secretary  
95 of the Democratic National Committee shall  
96 officially confirm to each State Democratic  
97 Chair the names of the following unpledged  
98 delegates who legally reside in their  
99 respective state and who shall be recognized  
as part of their state's delegation unless any

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- 1 such member has publicly expressed  
2 support for the election of, or has endorsed,  
3 a presidential candidate of another political  
4 party:  
5  
6 1. The individuals recognized as members  
7 of the DNC (as set forth in Article Three,  
8 Sections 2 and 3 of the Charter of the  
9 Democratic Party of the United States);  
10 and,  
11  
12 2. The Democratic President and the  
13 Democratic Vice President of the United  
14 States, if applicable; and,  
15  
16 3. All Democratic members of the United  
17 States House of Representatives and all  
18 Democratic members of the United  
19 States Senate; and,  
20  
21 4. The Democratic Governor, if applicable;  
22 and,  
23  
24 5. All former Democratic Presidents, all  
25 former Democratic Vice Presidents, all  
26 former Democratic Leaders of the U.S.  
27 Senate, all former Democratic Speakers  
28 of the U.S. House of Representatives  
29 and Democratic Minority Leaders, as  
30 applicable, and all former Chairs of the  
31 Democratic National Committee.  
32  
33 B. Following the selection of district-level  
34 delegates under 8.E., pledged party leader  
35 and elected official delegates are to be  
36 selected subject to the following procedures:  
37  
38 1. Persons shall be considered for pledged  
39 party leader and elected official  
40 delegates and alternates according to  
41 the following priority: big city mayors  
42 and state-wide elected officials to be  
43 given equal consideration; state  
44 legislative leaders, state legislators, and  
45 other state, county and local elected  
46 officials and party leaders.  
47  
48 2. These slots shall be allocated on the  
49 same basis as the state's at-large  
50 delegates.
- 51 3. If persons eligible for pledged party  
52 leader and elected official delegate  
53 positions have not made known their  
54 presidential preference under the  
55 procedures established by the state  
56 pursuant to Rule 12 for candidates for  
57 district-level and at-large delegate  
58 positions, their preferences shall be  
59 ascertained through alternative  
60 procedures established by the state  
61 party, which shall require a signed  
62 pledge of support for a presidential  
63 candidate. Such an alternative system  
64 shall have a final deadline for  
65 submitting a pledge of support after the  
66 selection of all district-level delegates  
67 has been completed and must provide  
68 an opportunity for disapproval by the  
69 presidential candidate or the candidate's  
70 authorized representative.
- 71 C. A state's party leader and elected official  
72 delegates may be chosen by a state  
73 convention or by a committee consisting of  
74 a quorum of district-level delegates. They  
75 may also be chosen by the State Party  
76 Committee, as recognized by the  
77 Democratic National Committee, but only if  
78 the state's Delegate Selection Plan is in full  
79 compliance with these rules, and provided:  
80  
81 1. Membership on the State Party  
82 Committee is apportioned on the basis  
83 of population and/or some measure of  
84 Democratic strength;  
85  
86 2. Members of the State Party Committee  
87 have been elected through open  
88 processes in conformity with the basic  
89 procedural guarantees utilized for  
90 delegate selection;  
91  
92 3. Such delegates are elected at a public  
93 meeting subsequent to the election of  
94 district-level delegates;  
95  
96 4. Members of the State Party Committee  
97 exercising such authority shall have  
98 been elected no earlier than the date of  
99 the previous presidential election; and  
100  
101

## 2012 Delegate Selection Rules for the Democratic National Convention

1 5. Membership of the State Party  
2 Committee complies with the equal  
3 division requirements of Article 9,  
4 Section 16 of the Charter of the  
5 Democratic Party of the United States.  
6  
7 D. Except as provided in 9.A. above, no person  
8 shall serve as an automatic delegate at any  
9 level of the delegate selection process by  
10 virtue of holding a public or party office.

11

### 12 10. Selection of At-Large 13 Delegates

14

15 A. The selection of at-large delegates shall be  
16 used, if necessary, to achieve the equal  
17 division of positions between men and  
18 women and the representation goals  
19 established in the state party's Affirmative  
20 Action Plan and Inclusion Program. Such  
21 goals apply to the state's entire delegation  
22 considered as a whole. For purposes of this  
23 rule, the entire delegation includes all  
24 unpledged as well as all pledged delegates.  
25 Delegates and alternates shall each, as a  
26 group, be equally divided and, to the extent  
27 possible, each as a group shall reflect the  
28 representation goals established in the  
29 state's Affirmative Action Plan and  
30 Inclusion Program.

31

32 B. A state's at-large delegates and alternates  
33 shall be selected by one of the bodies,  
34 subject to the same conditions specified in  
35 Rule 9.D. above, provided, however, the  
36 State Party Committee may choose such  
37 delegates and alternates only if the state's  
38 Delegate Selection Plan is in full compliance  
39 with these rules.

40

41 C. At-large delegates and alternates (including  
42 pledged party leader and elected official  
43 delegates, which shall include those to be  
44 allocated to uncommitted status) in primary  
45 states shall be allocated according to the  
46 state-wide primary vote or, in states holding  
47 no state-wide primary, according to the  
48 division of preferences among convention  
49 and caucus participants. In non-primary  
50 states which do not hold state conventions

51 authorized to elect delegates, at-large  
52 delegates shall be apportioned according to  
53 the division of preferences among district-  
54 level delegates at the time of district-level  
55 selection. If a presidential candidate  
56 entitled to an allocation under this rule is no  
57 longer a candidate at the time at-large  
58 delegates are selected, his/her allocation  
59 shall be proportionately divided among the  
60 other preferences entitled to an allocation.

61

### 62 11. Timing of the Delegate 63 Selection Process

64

65 A. No meetings, caucuses, conventions or  
66 primaries which constitute the first  
67 determining stage in the presidential  
68 nomination process (the date of the primary  
69 in primary states, and the date of the first  
70 tier caucus in caucus states) may be held  
71 prior to the first Tuesday in March or after  
72 the second Tuesday in June in the calendar  
73 year of the national convention. Provided,  
74 however, that the Iowa precinct caucuses  
75 may be held no earlier than 29 days before  
76 the first Tuesday in March; that the New  
77 Hampshire primary may be held no earlier  
78 than 21 days before the first Tuesday in  
79 March; that the Nevada first-tier caucuses  
80 may be held no earlier than 17 days before  
81 the first Tuesday in March; and that the  
82 South Carolina primary may be held no  
83 earlier than 7 days before the first Tuesday  
84 in March. In no instance may a state which  
85 scheduled delegate selection procedures on  
86 or between the first Tuesday in March and  
87 the second Tuesday in June 1984 move out  
88 of compliance with the provisions of this  
89 rule.

90

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

98

## 2012 Delegate Selection Rules for the Democratic National Convention

### 12. Presidential Preference

- 1 12. Presidential Preference  
2  
3 A. All candidates for delegate and alternate in  
4 caucuses, conventions, committees and on  
5 primary ballots shall be identified as to  
6 presidential preference or uncommitted  
7 status at all levels of a process which  
8 determines presidential preference.  
9  
10 B. All persons wishing to be elected to a  
11 district-level or at-large delegate position  
12 must file a statement of candidacy  
13 designating the presidential or  
14 uncommitted preference of the delegate  
15 candidate and a signed pledge of support  
16 for the presidential candidate (including  
17 uncommitted status) the person favors, if  
18 any, with the state party by a date certain as  
19 specified in the state's Delegate Selection  
20 Plan. Persons wishing to be elected as  
21 pledged party leader and elected official  
22 delegates shall comply with Rule 9.C.(3).  
23  
24 C. All candidates considered for district-level  
25 alternate positions must meet the same  
26 requirements as candidates for district-level  
27 delegate positions, except that the state may  
28 allow candidates who were not chosen at  
29 the delegate level to be considered at the  
30 alternate level.  
31  
32 D. Prior to the selection of national convention  
33 delegates and alternates, the state party  
34 shall convey to the presidential candidate,  
35 or that candidate's authorized  
36 representative(s), a list of all persons who  
37 have filed for delegate or alternate positions  
38 pledged to that presidential candidate. All  
39 such delegate and alternate candidates shall  
40 be considered bona fide supporters of the  
41 presidential candidate whom they have  
42 pledged to support, unless the presidential  
43 candidate, or that candidate's authorized  
44 representative(s), signifies otherwise in  
45 writing to the state party by a date certain as  
46 specified in the state's Delegate Selection  
47 Plan.  
48  
49 1. Presidential candidates shall certify in  
50 writing to the Democratic State Chair

- 51 the name(s) of their authorized  
52 representative(s) by a date certain.  
53  
54 2. In states where delegates are voted  
55 upon on the ballot, the date by which  
56 the presidential candidate, or that  
57 candidate's authorized  
58 representative(s), signifies approval or  
59 disapproval of the list of delegate and  
60 alternate candidates in writing to the  
61 state party as required by Rule 12.D.,  
62 must allow sufficient time to ensure that  
63 names removed from the list do not  
64 appear on the ballot.  
65  
66 E. National convention delegate and alternate  
67 candidates removed from the list of bona  
68 fide supporters by a presidential candidate,  
69 or that candidate's authorized  
70 representative(s), may not be elected as a  
71 delegate or alternate at that level pledged to  
72 that presidential candidate (including  
73 uncommitted status).  
74  
75 1. Presidential candidates may not remove  
76 any candidate for a district-level  
77 delegate or alternate position from the  
78 list of bona fide supporters unless, at a  
79 minimum, three (3) names remain for  
80 every such position to which the  
81 presidential candidate is entitled.  
82 Provided, however, that in states where  
83 individual district-level delegates and  
84 alternates are voted upon on the ballot,  
85 the presidential candidate, or that  
86 candidate's authorized  
87 representative(s), may approve a  
88 number of delegate candidates or  
89 alternate candidates equal to or greater  
90 than the number of delegates or  
91 alternates allocated to the district.  
92  
93 2. Presidential candidates (including  
94 uncommitted status), in consultation  
95 with the state party, may remove any  
96 candidate for at-large and pledged party  
97 leader and elected official delegate or  
98 alternate position from the list of bona  
99 fide supporters as long as, at a  
100 minimum, one (1) name remains for  
101 every national convention delegate or

## 2012 Delegate Selection Rules for the Democratic National Convention

1 alternate position to which the  
2 presidential candidate is entitled, except  
3 that a state may provide in its delegate  
4 selection plan, if the plan is approved by  
5 the Rules and Bylaws Committee, that  
6 presidential candidates (including  
7 uncommitted status), may remove any  
8 candidate for an at-large and party  
9 leader and elected official delegate or  
10 alternate position from the list of bona  
11 fide supporters as long as, at a  
12 minimum, two (2) names remain for  
13 every position to which the presidential  
14 candidate is entitled.  
15

16 F. State parties shall ensure that state Delegate  
17 Selection Plans provide fair and adequate  
18 time for persons to file for delegate or  
19 alternate positions, and for presidential  
20 candidates, or their authorized  
21 representative(s), to review the list of  
22 persons who have filed, and to remove from  
23 that list persons not confirmed by the  
24 presidential candidate or his/her  
25 representative(s) as bona fide supporters of  
26 the presidential candidate.  
27

28 G. Except in states where individual delegates  
29 and alternates are selected on the ballot,  
30 district-level national convention delegates  
31 and alternates pledged to a presidential  
32 candidate (including uncommitted status)  
33 shall be selected or nominated by a caucus  
34 of persons from the unit electing the  
35 delegates and alternates who sign  
36 statements of support for that presidential  
37 candidate. Uncommitted delegates and  
38 alternates shall be elected by the  
39 uncommitted caucus from the appropriate  
40 unit.  
41

42 H. A district-level delegate and alternate  
43 candidate may run for election only within  
44 the district in which he or she is registered  
45 to vote. For purposes of these rules, all  
46 delegates and alternates at any level of the  
47 delegate selection process must be bona fide  
48 Democrats who have the interests, welfare  
49 and success of the Democratic Party of the  
50 United States at heart, who subscribe to the  
51 substance, intent and principles of the

52 Charter and the Bylaws of the Democratic  
53 Party of the United States, and who will  
54 participate in the Convention in good faith.  
55

56 I. No delegate at any level of the delegate  
57 selection process shall be mandated by law  
58 or Party rule to vote contrary to that  
59 person's presidential choice as expressed at  
60 the time the delegate is elected.  
61

62 J. Delegates elected to the national convention  
63 pledged to a presidential candidate shall in  
64 all good conscience reflect the sentiments of  
65 those who elected them.  
66

67 K. 1. Based on the right of the Democratic  
68 Party to freely assemble and to  
69 determine the criteria for its candidates,  
70 it is determined that all candidates for  
71 the Democratic nomination for  
72 President or Vice President shall:  
73

74 a. be registered to vote, and shall  
75 have been registered to vote in the  
76 last election for the office of  
77 President and Vice President; and  
78

79 b. have demonstrated a commitment  
80 to the goals and objectives of the  
81 Democratic Party as determined  
82 by the National Chair and will  
83 participate in the Convention in  
84 good faith.  
85

86 2. It is further determined that these  
87 requirements are in addition to the  
88 requirements set forth by the United  
89 States Constitution and any law of the  
90 United States.  
91

### 92 **13. Fair Reflection of** 93 **Presidential Preferences** 94

95 A. Delegates shall be allocated in a fashion that  
96 fairly reflects the expressed presidential  
97 preference or uncommitted status of the  
98 primary voters or, if there is no binding  
99 primary, the convention and/or caucus  
100 participants.



## 2012 Delegate Selection Rules for the Democratic National Convention

- 1 B. States shall allocate district-level delegates 52 received by each presidential  
2 and alternates in proportion to the 53 preference.  
3 percentage of the primary or caucus vote 54  
4 won in that district by each preference, 55 Step 4: Delegates shall be allocated to each  
5 except that preferences falling below a 56 presidential preference based on the  
6 fifteen percent (15%) threshold shall not be 57 whole numbers which result from  
7 awarded any delegates. Subject to section F. 58 the multiplication in Step 3.  
8 of this rule, no state shall have a threshold 59  
9 above or below fifteen percent (15%). States 60 Step 5: Remaining delegates, if any, shall be  
10 which use a caucus/convention system, 61 awarded in order of the highest  
11 shall specify in their Delegate Selection 62 fractional remainders in Step 3.  
12 Plans the caucus level at which such 63  
13 percentages shall be determined. 64  
14 65
- 15 C. A presidential candidate or his/her 66  
16 authorized representative(s) should act in 67  
17 good faith to slate delegate and alternate 68  
18 candidates, however, in any event, if a 69  
19 presidential candidate (including 70  
20 uncommitted status) has qualified to receive 71  
21 delegates and alternates but has failed to 72  
22 slate a sufficient number of delegate and 73  
23 alternate candidates, then additional 74  
24 delegates and alternates for that preference 75  
25 will be selected in a special post-primary 76  
26 procedure. The State Party will administer 77  
27 special post-primary procedures according 78  
28 to rules approved by the DNC Rules and 79  
29 Bylaws Committee and such procedures 80  
30 should be set forth in the state's delegate 81  
31 selection plan, where applicable. 82  
32 83
- 33 D. District-level delegates and alternates shall 84  
34 be allocated according to the following 85  
35 procedures: 86  
36 87
- 37 Step 1: Tabulate the percentage of the vote 88  
38 that each presidential preference 89  
39 (including uncommitted status) 90  
40 receives in the congressional district 91  
41 to three decimals. 92  
42 93
- 43 Step 2: Retabulate the percentage of the 94  
44 vote to three decimals, received by 95  
45 each presidential preference 96  
46 excluding the votes of presidential 97  
47 preferences whose percentage in 98  
48 Step 1 falls below 15%. 99  
49 100
- 50 Step 3: Multiply the number of delegates to 101  
51 be allocated by the percentage 102
- E. At-large and pledged party leader and  
elected official delegate and alternate  
positions shall be allocated to presidential  
preferences by reference to primary or  
convention votes or to the division of  
preference among district-level delegates or  
alternates, as the case may be, as specified in  
Rule 10.C., except that a preference falling  
below a threshold of fifteen percent (15%)  
shall not be awarded any delegates or  
alternates at this level. Such delegates and  
alternates in primary states shall be  
allocated to presidential preference  
(including uncommitted status) according  
to the statewide primary vote.
- F. In all situations where no preference reaches  
the applicable threshold, the threshold shall  
be the percentage of the vote received at  
each level of the delegate selection process  
by the front-runner minus 10 percent.
- G. Under no circumstances shall the use of  
single-delegate districts be permitted.
- H. For the purpose of fairly reflecting the  
division of preferences, the non-binding  
advisory presidential preference portion of  
primaries shall not be considered a step in  
the delegate selection process and is  
considered detrimental. State parties must  
take steps to educate the public that a non-  
binding presidential preference event is  
meaningless, and state parties and  
presidential candidates should take all steps  
possible not to participate.
1. In a state that uses a caucus and/or  
convention to determine presidential

## 2012 Delegate Selection Rules for the Democratic National Convention

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

### 14. Petition Requirements and Filing Deadlines

4  
5  
6  
7  
8 A. If a state requires the filing of petitions with  
9 the signatures of registered/enrolled voters  
10 as the sole method to place a presidential  
11 candidate's name on the primary ballot in  
12 connection with the Democratic presidential  
13 nominating process, such number of valid  
14 signatures shall not exceed 5,000.

15  
16 B. If a state requires the payment of a fee by a  
17 presidential candidate in connection with  
18 the Democratic presidential nominating  
19 process, such fee shall not exceed \$2,500.

20  
21 C. If a state requires the filing of a petition with  
22 the signatures of registered/enrolled voters  
23 in order to have a delegate/alternate  
24 candidate gain access to the primary ballot  
25 in connection with the Democratic  
26 presidential nominating process, the  
27 number of valid signatures shall not exceed  
28 either one half of one percent (.5%) of the  
29 registered/enrolled Democrats in such  
30 district or one half of one percent (.5%) of  
31 the total votes in such district for all  
32 Democratic presidential candidates  
33 (including uncommitted) during the  
34 immediately preceding presidential  
35 nominating process, whichever is lower, but  
36 in no event shall the number of valid  
37 signatures required exceed 500.

38  
39 D. Subject to the prior sections of this rule, the  
40 number of valid signatures required of a  
41 presidential candidate to file a petition to  
42 gain access to the primary ballot, and the  
43 number of valid signatures required of a  
44 delegate/alternate candidate to gain access  
45 to the primary ballot, and the fees required  
46 to be paid to the state by a presidential  
47 candidate and by a delegate/alternate  
48 candidate to gain access to the primary  
49 ballot, in connection with the Democratic  
50 presidential nominating process, shall not

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

53  
54 E. No deadline for the filing of petitions for  
55 participation in the presidential nomination  
56 process by a presidential candidate shall be  
57 less than 30 days in advance of the primary  
58 or caucus nor more than 75 days in advance  
59 of the primary or caucus.

60  
61 F. No candidate for delegate or alternate shall  
62 be required to file a statement of candidacy  
63 or a pledge of support as required by Rule  
64 12.B. prior to 30 days before such delegate  
65 or alternate candidate is to be selected or  
66 elected in a primary, caucus or pre-primary  
67 caucus; provided, however, that in states  
68 holding a presidential primary where  
69 individual district-level delegates or  
70 alternates are to be voted upon on the ballot,  
71 no candidate for delegate or alternate shall  
72 be required to submit or file a statement of  
73 candidacy or a pledge of support prior to 90  
74 days before the date on which they are to be  
75 voted upon.

76  
77 G. No candidate for at-large or pledged party  
78 leader and elected official delegate or  
79 alternate shall be required to file a statement  
80 of candidacy or a pledge of support  
81 required by Rule 12.B. prior to 30 days  
82 before the date when the delegate or  
83 alternate is to be selected or voted upon.

84  
85 H. No state's delegate selection rules may  
86 require the filing of district-level delegate or  
87 alternate candidates pledged to a  
88 presidential candidate or uncommitted  
89 status as a condition of access by a  
90 presidential candidate to the primary ballot  
91 for voting upon presidential preference.

### 15. Quorum Requirements

92  
93  
94  
95 No less than forty percent (40%) of the members  
96 of any Party body above the first level of the  
97 delegate selection process shall constitute a  
98 quorum for any business pertaining to the  
99 selection of convention delegates.

100

1 **16. Proxy Voting**

2  
3 To insure full participation in the delegate  
4 selection process, state party rules may, at their  
5 discretion, provide for proxy voting. Such rules  
6 shall allow an accredited participant in a  
7 caucus, convention or committee meeting, after  
8 having appeared at such meeting and having  
9 established credentials, to register the non-  
10 transferable proxy with another duly accredited  
11 participant at that meeting (except where an  
12 accredited alternate is present and eligible to  
13 serve as a replacement). Unless otherwise  
14 specified, a proxy shall be deemed to be general  
15 and uninstructed. No such rule shall allow a  
16 person to hold more than three (3) proxies at a  
17 time.

18  
19 **17. Unit Rule and Slate-Making**

- 20  
21 A. The unit rule, or any rule or practice  
22 whereby all members of a Party unit or  
23 delegation may be required to cast their  
24 votes in accordance with the will of a  
25 majority of the body, shall not be used at  
26 any stage of the delegate selection process.  
27  
28 B. Any individual or group of Democrats may  
29 sponsor or endorse a slate of candidates for  
30 convention delegates. But no slate may, by  
31 virtue of such endorsement, receive a  
32 preferential place on a delegate selection  
33 ballot or be publicly identified on the ballot  
34 as the official Democratic Party organization  
35 slate, and all slates must meet identical  
36 qualifying requirements for appearing on a  
37 ballot at all levels of the delegate selection  
38 process.  
39

40 **18. Alternates and Vacancies**

- 41  
42 A. Alternate delegates shall be selected by  
43 primary, convention or committee processes  
44 subject to the same National Party Rules  
45 applicable to the selection of delegates,  
46 except that the provisions of Rules 9.A. and  
47 9.B. shall not apply to the election of  
48 alternates. Each State Democratic Chair  
49 shall certify all alternates in writing to the  
50 Secretary of the DNC.

- 51 B. If a given presidential preference is entitled  
52 to one or more delegate positions in a state  
53 but would not otherwise be entitled to an  
54 alternate position, that preference shall be  
55 allotted one at-large alternate position.  
56  
57 C. The proportions of alternates elected at the  
58 district level, and at-large, and as pledged  
59 party leader and elected official alternates,  
60 may be the same as the proportions of  
61 delegates elected in those categories.  
62  
63 D. Each state Delegate Selection Plan shall  
64 specifically provide how and under what  
65 conditions an alternate is to replace or act in  
66 lieu of (collectively referred to as “replace”  
67 or “replaces”) a delegate.  
68  
69 1. Delegate Selection Plans may specify  
70 one or any combination of the following  
71 alternatives for permanent and  
72 temporary replacements:  
73  
74 a. The delegate chooses the alternate;  
75  
76 b. The delegation chooses the  
77 alternate;  
78  
79 c. The alternate who receives the  
80 highest number of votes; or  
81  
82 d. Such other process as protects the  
83 interests of presidential candidates,  
84 delegates and alternates.  
85  
86 2. A permanent replacement occurs when  
87 a delegate resigns or dies prior to and  
88 during the National Convention and the  
89 alternate replaces the delegate for the  
90 remainder of the National Convention.  
91 Any alternate who permanently  
92 replaces a delegate shall be certified in  
93 writing to the Secretary of the DNC by  
94 the State Democratic Chair. He/She  
95 shall be of the same presidential  
96 preference (including uncommitted  
97 status) and sex of the delegate he/she  
98 replaces, and to the extent possible shall  
99 be from the same political subdivision  
100 within the state as the delegate; except  
101 in the case where the presidential

## 2012 Delegate Selection Rules for the Democratic National Convention

1 candidate has only one alternate, in  
2 which case, that alternate shall become  
3 the certified delegate.

- 4  
5 3. A temporary replacement occurs when  
6 a delegate is to be absent for a limited  
7 period of time during the convention  
8 and an alternate temporarily acts in the  
9 delegate's place. Any alternate who  
10 temporarily replaces a delegate must be  
11 of the same presidential preference  
12 (including uncommitted status) as the  
13 delegate he/she replaces, and to the  
14 extent possible shall be of the same sex  
15 and from the same political subdivision  
16 within the state as the delegate.

- 17  
18 E. A vacant alternate position shall be filled by  
19 the delegation. The replacement shall be of  
20 the same presidential preference (or  
21 uncommitted status), of the same sex and, to  
22 the extent possible, from the same political  
23 subdivision as the alternate being replaced.  
24 Each replacement of a vacant alternate  
25 position shall be certified in writing to the  
26 Secretary of the DNC by the State  
27 Democratic Chair.  
28

### 29 **19. DNC Rules and Bylaws** 30 **Committee**

- 31  
32 A. The DNC Rules and Bylaws Committee will  
33 assist in the administration and enforce  
34 affirmative action, inclusion and delegate  
35 selection requirements for the national and  
36 state Democratic Parties.  
37  
38 B. The DNC Rules and Bylaws Committee  
39 shall implement the Delegate Selection  
40 Rules in a manner consistent with these  
41 rules.  
42  
43 C. The DNC Rules and Bylaws Committee will  
44 provide state parties with a model Delegate  
45 Selection, Affirmative Action Plan and  
46 Inclusion Program.  
47  
48 D. The DNC Rules and Bylaws Committee  
49 shall:

- 50 1. review Affirmative Action Plans,  
51 Inclusion Programs and Delegate  
52 Selection Plans submitted by state  
53 parties and approve or recommend  
54 changes in such plans;  
55  
56 2. conduct periodic evaluations and  
57 provide technical assistance to state  
58 parties on affirmative action plan,  
59 inclusion program and delegate  
60 selection implementation;  
61  
62 3. hear and recommend solutions to  
63 affirmative action plans and inclusion  
64 programs complaints unresolved by  
65 appropriate state party bodies.  
66

- 67 E. The DNC Rules and Bylaws Committee  
68 shall retain jurisdiction over the approval of  
69 amendments to state Delegate Selection  
70 Plans and state delegation compliance with  
71 equal division requirements, even after the  
72 Convention Credentials Committee assumes  
73 jurisdiction over challenges to the  
74 credentials of delegates.  
75  
76 F. No later than December 15, 2010, the DNC  
77 Rules and Bylaws Committee shall send to  
78 state parties its regulations adopted  
79 pursuant to these rules and a checklist.  
80  
81 G. The DNC shall allocate sufficient financial  
82 resources and staff to implement this rule.  
83

### 84 **20. Challenges**

- 85  
86 A. Jurisdictional Challenges. Any challenges  
87 to a state party organization in respect to its  
88 status as the body entitled to sponsor a  
89 delegation from that state must be  
90 presented to the DNC at any time up to  
91 thirty (30) days prior to the initiation of the  
92 state's delegate selection process. Such a  
93 challenge must be brought by at least fifteen  
94 (15) Democrats from the state.  
95  
96 B. Submission, Non-Implementation and  
97 Violation Challenges. Failure to submit or  
98 implement an approved affirmative action  
99 program and inclusion program by the

## 2012 Delegate Selection Rules for the Democratic National Convention

1	deadline specified in these rules shall	51	C.	1. a.	Violation of timing: In the event the
2	constitute grounds for a challenge with the	52			Delegate Selection Plan of a state
3	burden of proof on the challenged party.	53			party provides or permits a meeting,
4		54			caucus, convention or primary
5	1. At any time up to thirty (30) days prior	55			which constitutes the first
6	to the initiation of the state's delegate	56			determining stage in the
7	selection process, any group of not less	57			presidential nominating process to
8	than fifteen (15) Democrats in that state	58			be held prior to or after the dates for
9	can challenge the affirmative action plan	59			the state as provided in Rule 11 of
10	and inclusion program on the basis of	60			these rules, or in the event a state
11	non-implementation of a specific	61			holds such a meeting, caucus,
12	requirement of a state plan, which	62			convention or primary prior to or
13	challenge shall include reasonable	63			after such dates, the number of
14	documentation of alleged violations. (In	64			pledged delegates elected in each
15	such challenges, the challenging party	65			category allocated to the state
16	shall have the burden of proof, but the	66			pursuant to the Call for the National
17	challenged party shall present its case	67			Convention shall be reduced by fifty
18	first.)	68			(50%) percent, and the number of
19		69			alternates shall also be reduced by
20	a. In the absence of any such	70			fifty (50%) percent. In addition,
21	challenge, the implementation of	71			none of the members of the
22	any such program shall be	72			Democratic National Committee
23	presumptively in compliance.	73			and no other unpledged delegate
24		74			allocated pursuant to Rule 9.A. from
25	b. If challenged and upheld, the	75			that state shall be permitted to vote
26	compliance of such implementation	76			as members of the state's delegation.
27	programs shall be conclusive but not	77			In determining the actual number of
28	as to compliance or non-compliance	78			delegates or alternates by which the
29	that may occur after the date of the	79			state's delegation is to be reduced,
30	challenge.	80			any fraction below .5 shall be
31		81			rounded down to the nearest whole
32	2. Challenges regarding alleged violation	82			number, and any fraction of .5 or
33	of an approved Delegate Selection Plan	83			greater shall be rounded up to the
34	shall first be brought to the appropriate	84			next nearest whole number.
35	state Democratic Party body for a	85			
36	decision to be rendered within twenty-	86		b.	A presidential candidate who
37	one (21) days. After due notice, any	87			campaigns in a state where the state
38	aggrieved party shall have the right to	88			party is in violation of the timing
39	appeal to the DNC Rules and Bylaws	89			provisions of these rules, or where a
40	Committee within ten (10) days	90			primary or caucus is set by a state's
41	following the decision of the state body	91			government on a date that violates
42	according to procedures established by	92			the timing provisions of these rules,
43	DNC Rules and Bylaws Committee.	93			may not receive pledged delegates
44		94			or delegate votes from that state.
45	3. The DNC Rules and Bylaws Committee	95			Candidates may, however,
46	shall either certify compliance, certify	96			campaign in such a state after the
47	non-compliance or require corrective	97			primary or caucus that violates these
48	action after which compliance or non-	98			rules. "Campaigning" for purposes
49	compliance shall be certified.	99			of this section includes, but is not
50		100			limited to, purchasing print,
		101			internet, or electronic advertising

## 2012 Delegate Selection Rules for the Democratic National Convention

- 1 that reaches a significant percentage 52  
2 of the voters in the aforementioned 53  
3 state; hiring campaign workers; 54  
4 opening an office; making public 55  
5 appearances; holding news 56  
6 conferences; coordinating volunteer 57  
7 activities; sending mail, other than 58  
8 fundraising requests that are also 59  
9 sent to potential donors in other 60  
10 states; using paid or volunteer 61  
11 phoners or automated calls to 62  
12 contact voters; sending emails or 63  
13 establishing a website specific to 64  
14 that state; holding events to which 65  
15 Democratic voters are invited; 66  
16 attending events sponsored by state 67  
17 or local Democratic organizations; 68  
18 or paying for campaign materials to 69  
19 be used in such a state. The Rules 70  
20 and Bylaws Committee will 71  
21 determine whether candidate 72  
22 activities are covered by this section. 73  
23
- 24 2. Violation of proportional representation: 75  
25 In the event the Delegate Selection Plan 76  
26 of a state party provides or permits the 77  
27 pledged delegates or alternates to be 78  
28 allocated to a presidential preference 79  
29 (including uncommitted status) other 80  
30 than as provided under Rule 13 of these 81  
31 rules, or in the event a state party, in 82  
32 fact, allocates its pledged delegates or 83  
33 alternates to a presidential preference 84  
34 (including uncommitted status) other 85  
35 than as provided under Rule 13 of these 86  
36 rules, the delegation of the state shall be 87  
37 reduced by the same amount and as 88  
38 provided in section C.(1) of this rule. 89  
39
- 40 3. Violation of the threshold: In the event 91  
41 the Delegate Selection Plan of a state 92  
42 party provides or permits a threshold 93  
43 other than fifteen percent (15%) percent 94  
44 as set forth in Rule 13 of these rules, or 95  
45 in the event a state party in fact permits 96  
46 the implementation of a threshold other 97  
47 than fifteen percent (15%) percent as 98  
48 provided in Rule 13 of these rules, the 99  
49 delegation of the state shall be reduced 100  
50 by the same amount and as provided in 101  
51 section C.(1) of this rule. 102
4. Upon a determination of the DNC Rules and Bylaws Committee that a state is in violation as set forth in subsections (1), (2) or (3) of section C. of this rule, the reductions required under those subsections shall become effective automatically and immediately and without further action of the DNC Rules and Bylaws Committee, the Executive Committee of the DNC, the DNC or the Credentials Committee of the Democratic National Convention.
5. Nothing in the preceding subsections of this rule shall be construed to prevent the DNC Rules and Bylaws Committee from imposing additional sanctions, including, without limitation, those specified in subsection (6) of this section C., against a state party and against the delegation from the state which is subject to the provisions of any of subsections (1) through (3) of this section C., including, without limitation, establishing a committee to propose and implement a process which will result in the selection of a delegation from the affected state which shall (i) be broadly representative, (ii) reflect the state's division of presidential preference and uncommitted status and (iii) involve as broad participation as is practicable under the circumstances.
6. Nothing in these rules shall prevent the DNC Rules and Bylaws Committee from imposing sanctions the Committee deems appropriate with respect to a state which the Committee determines has failed or refused to comply with these rules, where the failure or refusal of the state party is not subject to subsections (1), (2) or (3) of this section C. Possible sanctions include, but are not limited to: reduction of the state's delegation; pursuant to Rule 21.C., recommending the establishment of a committee to propose and implement a process which will result in the selection of a delegation from the affected state which shall (i) be broadly

## 2012 Delegate Selection Rules for the Democratic National Convention

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- 1 representative, (ii) reflect the state’s 52  
2 division of presidential preference and 53  
3 uncommitted status and (iii) involve as 54  
4 broad participation as is practicable 55  
5 under the circumstances; reducing, in 56  
6 part or in whole, the number of the 57  
7 state’s members to the Standing 58  
8 Committees; reducing, in part or in 59  
9 whole, the number of guests, VIP and 60  
10 other passes/tickets to the National 61  
11 Convention and related functions; 62  
12 assignment of location of the state’s 63  
13 delegates and alternates in the 64  
14 Convention hall; and assignment of the 65  
15 state’s housing and other convention 66  
16 related facilities. 67  
17  
18 7. In the event a state shall become subject 68  
19 to subsections (1), (2) or (3) of section C. 69  
20 of this rule as a result of state law but 70  
21 the DNC Rules and Bylaws Committee, 71  
22 after an investigation, including 72  
23 hearings if necessary, determines the 73  
24 state party and the other relevant 74  
25 Democratic party leaders and elected 75  
26 officials took all provable, positive steps 76  
27 and acted in good faith to achieve 77  
28 legislative changes to bring the state law 78  
29 into compliance with the pertinent 79  
30 provisions of these rules and determines 80  
31 that the state party and the other 81  
32 relevant Democratic party leaders and 82  
33 elected officials took all provable, 83  
34 positive steps and acted in good faith in 84  
35 attempting to prevent legislative 85  
36 changes which resulted in state law that 86  
37 fails to comply with the pertinent 87  
38 provisions of these rules, the DNC Rules 88  
39 and Bylaws Committee may determine 89  
40 that all or a portion of the state’s 90  
41 delegation shall not be reduced. The 91  
42 state party shall have the burden of 92  
43 proving by clear and convincing 93  
44 evidence that it and the other relevant 94  
45 Democratic party leaders and elected 95  
46 officials took all provable, positive steps 96  
47 and acted in good faith to achieve 97  
48 legislative changes to bring the state law 98  
49 into compliance with the pertinent 99  
50 provisions of these rules and that it and 100  
51 the other relevant Democratic party 101
8. A state party may provide in its Delegate Selection Plan the specific method and procedures by which it will reduce its delegation pursuant to this Rule 20 in the event the state party or delegation becomes subject to this Rule 20 by which categories of delegates must be reduced by fifty percent (50%) percent, which specific method and procedures shall be subject to the review and approval of the DNC Rules and Bylaws Committee. In the event a state’s Delegate Selection Plan does not provide for the specific method and procedures referred to in the immediately preceding sentence, or in the event the state’s Delegate Selection Plan is either not approved by the DNC Rules and Bylaws Committee or the specific method and procedures referred to in the first sentence of this subsection (8) are not approved by the DNC Rules and Bylaws Committee, or in the event a state’s Delegate Selection Plan specifies the method and procedures which have been approved by the DNC Rules and Bylaws Committee, but the state party fails or refuses to implement those specific method and procedures, and in the event the state’s delegation is required to be reduced pursuant to this Rule 20, then the DNC Rules and Bylaws Committee shall, by lottery, or other appropriate method determined by the DNC Rules and Bylaws Committee, determine which delegates and alternates shall not be a part of the state’s delegation in order to achieve the reduction of the state’s delegation pursuant to this Rule 20. Any reduction of delegates under this provision shall be accomplished in a manner which complies with the requirement of

## 2012 Delegate Selection Rules for the Democratic National Convention

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1 proportional representation as provided  
2 for in Rule 13.

3  
4 9. Except as provided by subsection (7) of  
5 this section C., the fact that a state party  
6 took provable, positive steps as  
7 provided in Rule 21 of these rules shall  
8 not preclude the state's delegation from  
9 being subject to the sanctions set forth in  
10 subsections (1), (2), (3), (4) and (5) of this  
11 section C.

12  
13 D. Unresolved Challenges and Report to the  
14 Credentials Committee. The DNC Rules and  
15 Bylaws Committee shall report its activities,  
16 together with all challenges and complaints,  
17 to the Credentials Committee of the  
18 Democratic National Convention. In cases  
19 involving unresolved challenges which are  
20 appealed to the Credentials Committee, the  
21 burden of proof shall rest with the party  
22 presenting the challenge.  
23

### 24 **21. State Legislative Changes**

25  
26 A. Subject to Rule 19.C. of these Rules,  
27 wherever any part of any section contained  
28 in these rules conflicts with existing state  
29 laws, the state party shall take provable  
30 positive steps to achieve legislative changes  
31 to bring the state law into compliance with  
32 the provisions of these rules.  
33

34 B. Provable positive steps shall be taken in a  
35 timely fashion and shall include, but not be  
36 limited to: the drafting of corrective  
37 legislation; public endorsement by the state  
38 party and the other relevant Democratic  
39 party leaders and elected officials of such  
40 legislation; efforts to educate the public on  
41 the need for such legislation; active support  
42 for the legislation by the state party  
43 lobbying state legislators, other public  
44 officials, Party officials and Party members;  
45 and encouraging consideration of the  
46 legislation by the appropriate legislative  
47 committees and bodies.  
48

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