

REPORT OF THE COMMISSION ON DELEGATE SELECTION AND PARTY STRUCTURE

AS AMENDED AND ADOPTED

BY THE DNC EXECUTIVE COMMITTEE

1. PARTY RULES

- A. State Parties shall adopt explicit written rules and procedures covering all aspects of the delegate selection process including, but not limited to, the apportionment of delegates and votes within the state; the allocation of fractional votes; the nomination of delegates and alternates; the succession of alternates to delegate status and the filling of vacancies in delegate positions; the selection and responsibilities of convention committees; credentials challenges; and minority reports. Such rules shall be adopted at least ninety (90) days prior to the first step in the delegate selection process and in no case later than January 1 of the calendar year of the National Convention.
- B. State Parties shall publish and make available at no cost their rules, relevant state statutes, and a clear and concise explanation of how Democratic voters can participate in the delegate selection process. This shall be done at least ninety (90) days prior to the first step in the process, but no later than January 1 of the calendar year of the National Convention.

2. DEMOCRATIC PARTICIPATION

- A. State Parties must take all feasible steps to restrict participation in the delegate selection process to Democratic voters only. Such steps shall be included in proposed party rules submitted to the Compliance Review Commission of the National Democratic Party. Such rules, when approved by the Compliance Review Commission and implemented shall constitute adequate provisions within the meaning of Section 9 of the 1972 Democratic National Convention mandate.
- B. State Parties shall take all feasible steps to encourage non-affiliated and new voters to register or enroll as Democrats and to provide simple, easy procedures through which they may do so.

3. PUBLIC NOTICE

- A. All steps in the delegate selection process, including the filing of candidacies, must take place within the calendar year of the Democratic National Convention, except as otherwise provided in these Rules.

3. All official Party Meetings and events related to the National Convention delegate selection process, including caucuses, conventions, committee meetings, filing dates, and party enrollment periods, shall be scheduled for dates, times and public places which would be the most likely to encourage the participation of all Democrats, and must begin and end at reasonable hours.
- C. All such meetings or events shall be scheduled at times and dates which are uniform throughout the State, except where it is determined by the State Party Chairman that inclement weather or any other unforeseen impediment of reasonable nature would significantly reduce participation in the delegate selection process.
- D. The times, dates, places, and rules for the conduct of all caucuses, conventions, meetings, and other events involved in the delegate selection process shall be effectively publicized by the party organization, official, candidate or member calling the same.
- E. Concise statements in advance of all meetings and events concerning the relationship between the business to be conducted and the delegate selection process shall be effectively publicized by the Party organization, official, candidate, or member calling the same.

4. COSTS AND FEES

No person shall be excluded from any stage of the delegate selection process for failure to pay a cost or fee.

5. PETITION REQUIREMENTS

No petition requirements for participation at any level of the National Convention delegate selection process shall exceed one percent (1%) of the registered, enrolled, or voting Democrats in the applicable district.

6. PROXY VOTING

To ensure full participation in the delegate selection process, State Party Rules may, but are not required to, provide that, except when an accredited alternate is present and eligible to act, a duly accredited participant in a caucus, convention or committee meeting may, after having appeared at such meetings and having established credentials, register the non-transferable proxy with another duly accredited participant at that meeting provided that no person may hold more than three (3) proxies at a time.

7. QUORUM REQUIREMENTS

No less than 40% (forty percent) of the members of any party body

above the first level of the delegate selection process shall constitute a quorum for any business pertaining to the selection of convention delegates.

#### UNIT RULE

The unit rule, or any rule or practice whereby all members of a party unit or delegation may be required to cast their votes in accordance with the will of a majority of the body, shall not be used at any stage of the delegate selection process.

#### 9. APPORTIONMENT

- A. Apportionment of National Convention delegates within states shall be based on one of the following:
- (1) a formula giving equal weight to total population and to the average of the vote for the Democratic candidates in the two most recent presidential elections;
  - (2) a formula giving equal weight to the vote for the Democratic candidates in the most recent presidential and gubernatorial elections;
  - (3) a formula giving equal weight to the average of the vote for the Democratic candidates in the two most recent presidential elections and to Democratic Party registration or enrollment as of January 1, 1976;
  - (4) a formula giving one-third (1/3) weight to each of the formulas in items (1), (2), and (3).
- B. Apportionment for each body selecting delegates to state, district, and county conventions shall be based upon population and/or some measure of Democratic strength.
- C. At least 75% of the National Convention delegates shall be elected at the Congressional District level or lower.

#### 10. PRESIDENTIAL PREFERENCE

- A. All candidates for delegate in caucuses, conventions, committees and on primary ballots shall be identified as to presidential preference, uncommitted, or no preference status. A presidential candidate shall have the right to approve any candidate for National Convention delegate identified with that person's candidacy. In primary states where state law does not permit candidates for delegate to indicate their presidential preference on the ballot or does not require a presidential candidate's consent to run as pledged to that specific candidacy, the State Party shall undertake to publicize to all eligible voters the candidates for delegate approved by each presidential candidate.

- F. All candidates for National Convention delegate or alternate allocated to or identified with Presidential candidates shall be subject to the approval of said candidate.
- C. All public meetings to nominate publicly selected delegate candidates shall be held simultaneously within each state, and no person shall participate in more than one such meeting at any level of the process.
- D. Presidential candidates shall have the right to require participants in nominating meetings and candidates for delegate identified with their presidential candidacies to sign statements of support.
- E. No delegate at any level of the delegate selection process shall be mandated by law or party rule to vote contrary to the individual's expressed presidential choice.

#### 11. FAIR REFLECTION OF PRESIDENTIAL PREFERENCES

The Call for the 1976 Democratic National Convention shall include provisions that assure that the delegates to the 1976 Democratic National Convention be chosen in a manner which fairly reflects the division of preferences expressed by those who participate in the presidential nominating process in each state, territory, and the District of Columbia.

At all stages of the delegate selection process, delegations shall be allocated in a fashion that fairly reflects the expressed presidential preference, uncommitted, or no preference status of the primary voters, or if there be no binding primary, the convention and caucus participants, except that preferences securing less than 15 percent (15%) of the votes cast for the delegation need not be awarded any delegates.

In states electing delegates in primaries in which votes are cast only for individual delegate candidates, delegates shall be elected from districts no larger than a Congressional District.

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. In such primaries where votes are also cast for individual delegate candidates, the votes for such individual delegate candidates shall constitute a fair reflection of the division of preferences, provided that such delegates shall be elected from districts no larger than a Congressional District.

#### 12. SELECTION OF AT LARGE DELEGATES

In order to encourage the selection of delegations including public officials, party officials, and members of traditionally underrepresented Democratic constituencies, State Democratic Parties which do not hold state conventions authorized to elect delegates may elect not more than 25% of National Convention delegations by a committee

consisting of all publicly elected National Convention delegates or by the State Democratic Committee, provided:

- (1) Membership on the State Democratic Committee is apportioned on the basis of population and/or some measure of Democratic strength;
- (2) Members of the State Democratic Committee have been elected through open processes in conformity with the basic procedural guarantees utilized for delegate selection;
- (3) Such delegates are elected at a public meeting following the public election of delegates;
- (4) Members of the state committees exercising such authority shall have been elected no earlier than January 1 of the second year next preceeding the Convention (January 1, 1974); and
- (5) Delegates elected under the foregoing procedures shall reflect the division of preference of the publicly selected delegates at the time of selection of the publicly selected delegates. In the event the preferred candidate of any publicly selected delegate is no longer a candidate at the time of the selection of the at large delegates, then that publicly selected delegate's preference shall be as expressed at the time of the selection of at large delegates

### 13. AUTOMATIC DELEGATES

The Democratic National Committee is urged to extend privileges, except voting rights, to Democratic Governors, United States Senators, United States Representatives, and members of the Democratic National Committee who are not voting delegates. No person shall serve as an automatic or ex-officio voting delegate at any level of the delegate selection process by virtue of holding a public or party office.

### 14. SLATE-MAKING

Any individual or group of Democrats may sponsor or endorse a slate of candidates for convention delegates. But no slate may, by virtue of such endorsement, receive preferential treatment or a preferential place on a delegate selection ballot or be publicly identified on the ballot as the "official" slate, and all slates must meet identical qualifying requirements for appearing on a ballot at all levels of the delegate selection process.

### 15. ALTERNATES AND VACANCIES

- A. Alternate delegates shall be selected by primary, convention, or committee processes subject so far as permissible under state law to the same party rules applicable to the selection of at-large delegates.
- B. A delegate who is to be absent or resigns will, subject to State law, select from among the alternates of his or her political subdivision, if possible, or state, the particular alternate of the same presidential preference who shall take his or her place.

- C. If, due to death or disability, a delegate is unable to select the alternate to fill his or her place, that selection shall be made by the delegation in a manner which assures that the alternate will be of the same presidential preference and, if possible, political subdivision as the delegate replaced.
- D. A vacant alternate position shall be filled by the delegation and the replacement shall be of the same presidential preference and from the same political subdivision.

16. AN OPEN PARTY

The Commission on Delegate Selection and Party Structure reaffirms its commitment to the 1964 resolution, and requires the National and State Parties to incorporate the Six Basic Elements, as up-dated, into their Party Rules and take appropriate steps to secure their implementation.

The 1964 Democratic National Convention adopted a resolution which conditioned the seating of delegations at future conventions on the assurance that discrimination in any State Party affair on the grounds of race, color, creed or national origin did not occur. The 1968 Convention adopted the 1964 Convention resolution for inclusion in the Call to the 1972 Convention. In 1966, the Special Equal Rights Committee, which had been created in 1964, adopted six anti-discrimination standards--designated as the Six Basic Elements, which, as up-dated, are as follows:

- (1) All public meetings at all levels of the Democratic Party in each State should be open to all members of the Democratic Party regardless of race, sex, age, color, creed, national origin, religion, ethnic identity, economic status, or philosophical persuasion.
- (2) No test for membership in, nor any oaths of loyalty to, the Democratic Party in any State should be required or used which has the effect of requiring prospective or current members of the Democratic Party to acquiesce in, condone or support discrimination on the grounds of race, sex, age, color, creed, national origin, religion, ethnic identity or economic status.
- (3) The time and place for all public meetings of the Democratic Party on all levels should be publicized fully and in such a manner as to assure timely notice to all interested persons. Such meetings must be held in places accessible to all Party members and large enough to accommodate all interested persons.
- (4) The Democratic Party, on all levels, should support the broadest possible registration without discrimination on grounds of race, sex, age, color, creed, national origin, religion, ethnic identity, or economic status.
- (5) The Democratic Party in each State should publicize fully and in such a manner as to assure notice to all interested parties.

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 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.

These actions demonstrate the intention of the Democratic Party to ensure a full opportunity for all minority group members to participate in the delegate selection process. To supplement the requirements of the 1964 and the 1968 Conventions, the Commission requires that State Parties add the Six Basic Elements of the Special Equal Rights Committee to their Party rules and take appropriate steps to secure their implementation.

#### 17. NON-DISCRIMINATION

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.

Discrimination on the basis of race, sex, age, color, national origin, religion, ethnic identity, or economic status in the conduct of Democratic Party affairs is prohibited.

#### 18. AFFIRMATIVE ACTION

A. In order to encourage full participation by all Democrats, with particular concern for minority groups, Native Americans, women, and youth, in the delegate selection process and in all Party affairs, the National and State Democratic Parties shall adopt and implement Affirmative Action Programs. Examples or models of acceptable Affirmative Action Programs appear in the Appendix of these rules.

- (1) The goal of such Affirmative Action shall be to encourage such participation in delegate selection processes and in Party Organizations at all levels of the aforementioned groups as indicated by their presence in the Democratic electorate.
- (2) This goal shall not be accomplished either directly or indirectly by the Party's imposition of mandatory quotas at any level of the delegate selection process or in any other Party affairs.

- B. Performance under an approved Affirmative Action Plan and composition of the convention delegation shall be considered relevant evidence in the challenge of any State delegation, but composition alone shall not constitute prima facie evidence of discrimination, nor shall it shift the burden of proof to the challenged party. If a State Party has adopted and implemented an approved Affirmative Action Program, the Party shall not be subject to challenge based solely on delegation composition or primary results.
- C. Notwithstanding sub-paragraph A(2) above, equal division at any level of delegate or committee positions between delegate men and delegate women or committeemen and committeewomen shall not constitute a violation of any provision thereof.
- D. For purposes of providing adequate notice of the delegate selection process under Rule (3), the time, dates, places and rules for the conduct of all caucuses, conventions, meetings, and other events involved in the delegate selection process shall be effectively publicized, bilingually where necessary, adequately to encourage the participation of minority groups.

19. MONITORING AND COMPLIANCE REVIEW

- A. A Compliance Review Commission (CRC), consisting of twenty-five members shall be appointed no later than March 1, 1974 to administer and enforce affirmative action requirements for the National and State Democratic Parties; review affirmative action and delegate selection plans submitted by State Parties and approve or recommend changes in such plans; conduct periodic evaluations and provide technical assistance to State Parties on affirmative action and delegate selection implementation; hear and recommend solutions to affirmative action complaints unresolved by appropriate State Party Bodies; and serve as a preliminary Credentials Committee to hear delegate challenges and propose remedies.
- B. Twelve (12) members of the Compliance Review Commission shall be appointed by the Chairman of the Democratic National Committee with the approval of the Democratic National Committee Executive Committee and five (5) by the Chairperson of the Commission on Delegate Selection and Party Structure with the approval of the full Commission. The Chairwoman and the two (2) Vice Chairmen of the Commission on Delegate Selection and Party Structure shall automatically become members of the Compliance Review Commission. In addition to the above, the Democratic Majority Leader of the United States Senate, the Democratic Majority Leader of the United States House of Representatives, the Chairman of the Democratic Governors' Caucus, the Chairman of the Democratic Mayors' Conference, and the President of the National Association of Democratic State Chairmen shall each appoint one (1) member of the said Compliance Review Commission.
  - (1) Every effort should be made by the appointing authorities to create a Commission that is representative of all elements of the Democratic Party.



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- (2) Vacancies on the Commission shall be filled by the party originally responsible for the appointment of the individual vacating the position following the procedure as outlined in Section B above.
  - (3) The Compliance Review Commission shall, at its first meeting, nominate and elect a chairman from among its membership.
- C. The Democratic National Committee shall allocate sufficient financial resources and staff to implement the provision of this rule.
- D. Each State Party shall adopt an Affirmative Action Plan which will be submitted to the CRC for approval on or before March 15, 1975. Such plans shall include provisions for the appointment of a representative State Affirmative Action Committee upon which members of the National Delegate Selection Commission from that State will serve if the member so desires, and the implementation by Party organizations of Affirmative Action as defined specifically in Rule 18. In the final six (6) months prior to the first step of the delegate selection process, each State Affirmative Action Plan shall give special attention to encouraging participation in and dissemination of information about the delegate selection process.
- (1) Each State Party shall provide an opportunity for public comment on the proposed Affirmative Action Plan for a minimum of thirty (30) days prior to its submission to the Compliance Review Commission. All minority views submitted to state committees in writing, shall accompany the proposal at the time of its submission.
  - (2) The Compliance Review Commission shall act on the proposed Affirmative Action Plan within sixty (60) days. Its decision shall be final and binding.
  - (3) Implementation of all State Affirmative Action Plans shall begin not later than March 15, 1975.
- E. Each State Party shall submit a Delegate Selection Plan, consistent with the National Party Rules, to the Compliance Review Commission for approval on or before July 1, 1975.
- (1) Each State Party shall provide for public comment on the proposed plan for a minimum of thirty (30) days prior to its submission to the Compliance Review Commission. All minority views submitted to state committees in writing, shall accompany the proposal at the time of its submission.
  - (2) The Compliance Review Commission shall act on the proposed plan within sixty (60) days. Its decision shall be final and binding.
- F. At any time up to thirty (30) days prior to the initiation of the State's delegate selection process, any group of not less than fifteen (15) Democrats in that state can challenge the Affirmative

Action Program on the basis on non-implementation of a specific requirement of a state plan, including reasonable documentation of alleged violations. In such challenges, the burden of proof shall rest with the challenged party. In the absence of any such challenge, the implementation of any such program shall be presumptively in compliance. If challenged and upheld, the compliance of such implementation programs shall be conclusive but not as to compliance or non-compliance that may occur after the date of the challenge.

Any challenge to a State Party Organization in respect to its status as the body entitled to sponsor a delegation from that State must be presented to the DNC at this stage and within this time limit.

- G. Failure to submit and implement an approved Affirmative Action Program by the deadline specified in these Rules shall constitute grounds for a challenge and shall constitute grounds for a challenge with the burden of proof on the challenged party.
- H. Challenges regarding alleged violations of an approved delegate selection plan shall first be brought to the appropriate State Democratic Party body for a decision to be rendered within twenty-one (21) days. After due notice, any aggrieved party shall have the right to appeal to the Compliance Review Commission within ten (10) days following the decision of the State Body according to procedures established by the Compliance Review Commission. The Compliance Review Commission shall either certify compliance, certify non-compliance or require corrective action after which compliance or non-compliance shall be certified. In the event the Delegate Selection Plan of a State Party is found to be in default or non-compliance and such default or non-compliance is not remedied by corrective action by the time the first stage of the delegate selection process has begun, it shall be the duty of the Executive Committee of the Democratic National Committee to constitute a committee from that State, to propose and implement a process which will result in the selection of a delegation from the affected State which shall (1) be broadly representative, (2) reflect that State's division of presidential preference, and (3) involve as broad a participation as is practicable under the circumstances.
- I. The CRC shall report its activities, together with all challenges and complaints, to the Credentials Committee of the Democratic National Convention. In cases involving unresolved challenges which are appealed to the Credentials Committee, the burden of proof shall rest with the party presenting the challenge.

## 20. STATE LEGISLATIVE CHANGES

Wherever any part of any section contained in these rules conflicts with existing state laws, the state party shall take provable positive steps to achieve legislative changes to bring the state law into compliance with the provisions of these rules.