

## **Rule No. 38 - National Convention Delegates and Alternates – VERSION 7**

### *Section 4. Uncommitted Delegates and Alternates*

In addition to the foregoing, uncommitted delegates and alternates may be elected as follows:

- a. Delegate Entitlement: For the purpose of determining entitlements under sections 8 and 9 of this Rule, votes cast for "Uncommitted" on the ballot shall be considered as having been voted for a separate candidate.
- b. At-Large Delegates and District Delegates: In the event a canvass of the Republican Presidential Primary vote on a state-wide basis demonstrates that the voters are entitled to one or more uncommitted delegates and alternates under this Rule, the National Nominations Committee, as provided for under Rule No. 34A, shall nominate and include in its report to the Convention under section 7, subsection c, the appropriate number of uncommitted delegates and alternates to the National Convention, who become pledged as uncommitted delegates and alternates to the National Convention, in accordance with section 10 of this rule.

### *Section 5. Canvass of Returns*

For the purpose of selecting at-large delegates and alternates, as well as district delegates and alternates, the returns of votes cast for Presidential candidates in the Republican Presidential Primary shall be canvassed by the SREC at the same time as the returns for other offices and shall be canvassed and recorded by Congressional District on a statewide basis, for the purpose of determining proportional allocation of delegates and alternates, in accordance with the results of the presidential primary vote.

### *Section 6. Election of District Delegates and Alternates at State Convention*

- a. Number of District Delegates and Alternates: Three (3) district delegates from each Congressional District and three (3) alternates shall be elected at the State Convention required by Section 174.092, Texas Election Code, in accordance with this section and the entitlements set forth in sections 8 and 9 hereof.
- b. At the State Convention, each Congressional District shall meet and shall elect those district delegates and alternates to which a candidate is entitled under section 8. Elections for a candidate's committed delegates and alternates shall be from persons nominated from the floor at the said meeting, provided however, that said nominee agrees to adhere to the pledge in the candidate commitment requirements under Section 10 hereof. Nominations for uncommitted delegates, if there is such an entitlement, shall be provided under section 4. Elections shall be by majority vote, one at a time, with all delegates being elected first and then all alternates. Those delegates and alternates elected by the Congressional District shall be submitted to the Convention, which shall confirm, and not amend, those district delegates and alternates who shall be the district delegates and alternates from Texas to the National Convention of the Republican Party, and shall be so certified in accordance with The Rules of the Republican Party.

### *Section 7. Election of At-Large Delegates and Alternates at State Convention*

- a. As provided for in Rule No. 34A, each Congressional District Caucus shall meet at the State Convention, and elect one (1) person to serve as a member of the National Nominations Committee from persons nominated from the floor at the said meeting. Election to this committee shall be by majority vote. In the same manner, each Congressional District Caucus may recommend the name of one (1) member for consideration by the National Nominations Committee as a National Convention

- delegate or alternate, but the National Nominations Committee is not required to accept such recommendation, in accordance with The Rules of the Republican Party.
- b. At the State Convention, the National Nominations Committee shall meet to select nominees for all at-large delegates and alternate delegates, and consider the recommended names of members of the Congressional District Caucuses for possible selection as National Convention Delegates and Alternates. Those individuals who have access to the floor of the National Convention by virtue of their office shall be prohibited for selection as an at-large national delegate, by the National Nominations Committee.
  - c. Those at-large delegate and alternate nominees selected by the National Nominations committee shall be reported to the State Convention. This report shall not be amendable by the State Convention, but shall either be confirmed or rejected by the State Convention. If the report is rejected, it shall be immediately returned to the Committee for revision and then resubmitted to the State Convention, until the report is confirmed by the Convention. The at-large delegates and alternates shall also be bound by the pledge provisions of section 10 of this Rule. At-large delegates and alternates nominated and elected from Texas in accordance with this Rule shall be certified as the delegates and alternates from Texas in accordance with The Rules of the Republican Party for the National Convention.

*Section 8. District Delegate and Alternate Entitlements*

For the purpose of determining the entitlement to district delegates and alternates by candidates, the provisions of this section shall apply as follows:

- a. District delegate and alternate entitlements for candidates shall be pooled, calculated and then apportioned by the SREC, in accordance with the statewide canvass of returns, as provided for in section 5. This entitlement and apportionment among the candidates shall be made by calculating the ratio of the number of statewide votes received by each candidate compared to the total of all such candidates, rounding major fractional delegates and alternates upward to the next whole number, beginning with the candidate receiving the largest number of votes. This is then to be followed by the apportionment of delegates and alternates to the second highest candidate in the same manner, and so forth until the total numbers of delegates and alternates to be apportioned from the overall statewide pool is complete.
- b. Upon completion of this statewide apportionment, the assignment of specific congressional district delegate and alternate seats to candidates shall be made by comparing the candidate's vote total in each congressional district presidential primary vote between all congressional districts, and forming a highest to lowest vote total ranking of the candidate's vote totals. Starting with the highest ranked statewide candidate, the highest ranked congressional district for a specific candidate shall receive assignment of the first seat from the statewide delegate and alternate pool apportioned to the candidate, and so forth downward, until the candidate's statewide proportional allocation entitlement of delegates and alternates from the overall delegate and alternate pool has been allocated. This process is then performed for each subsequent presidential candidate, as to their rank downward in the statewide vote, until all congressional district delegates and alternates have been assigned. However, no congressional district delegates will be assigned to any presidential candidate receiving less than 20% of the statewide vote, unless the presidential candidate's primary vote in any specific congressional district exceeds 20%, and then the process of this subparagraph b shall be applied. Any remaining congressional district delegates and alternates not assigned to candidates qualifying under this 20% provision, will be assigned to the presidential candidates that do meet the 20% provision, but come from their At-large allocations. If after this congressional delegate and alternate allocation, all of the congressional delegate and alternates seats

have not been assigned to the presidential candidates with 20% or more of the statewide vote, then assignment will continue in ranked order to the remaining presidential candidates with less than 20%, until all congressional district delegate and alternate seats are assigned.

- c. Upon allocation of all three delegate and alternate seats in each congressional district, the final assignment of seat order between the three delegates and the three alternates shall be determined by the total vote ranking in each individual congressional district presidential primary vote total.
- d. These congressional district delegate and alternate seat assignments shall be one portion of a presidential candidate's allocated delegates and alternates, and thus contribute to the fulfillment of the overall proportional allocation, as determined by the statewide presidential primary vote for each candidate, and as prescribed in other sections of this rule.
- e. These shall be reported by the SREC to each of the congressional district caucuses prior to voting for delegates and alternates in said caucuses, which shall then be reported by the congressional district caucuses to the National Nominations Committee of the State Convention.
- f. The total Texas delegation of delegates and alternates to the Republican National Convention shall be proportional to the statewide presidential primary vote, as provided for in this rule.

#### *Section 9. At-Large Delegate and Alternate Entitlements*

For the purpose of determining the entitlement to at-large delegates and alternates by candidates, the provisions of this section shall apply, as follows:

- a. At-large delegate and alternate entitlements by candidates shall be pooled, calculated, and then apportioned by the National Nominations Committee, among the candidates in the ratio in which the number of statewide votes received by each candidate bears to the total of all such candidates, rounding major fractional delegates and alternates upward to the next whole number, beginning with the candidate receiving the largest number of votes. This is then followed by the awarding of delegates and alternates to the second highest candidate in the same manner, and so forth until the delegates and alternates to be apportioned have been fully awarded. Assignment of specific delegates and alternates to candidates shall be made by the National Nominations Committee of the State Convention, in accordance with the apportionment process contained in this section 9, and then included in their report to the State Convention.
- b. The total Texas delegation of delegates and alternates to the Republican National Convention shall be proportional to the statewide presidential primary vote, as provided for in this rule.

#### *Section 10. Pledge of Delegates and Alternates.*

- a. Commitment to Candidate: Following the assignment and nomination by the National Nominations Committee to a Presidential candidate's slate, each delegate and alternate representing a Presidential candidate becomes pledged to the Presidential candidate on whose slate the delegate and alternate is nominated in accordance with subsection b of this section.
- b. Length of Commitment: A person who is elected as a delegate or alternate to the National Convention on the slate of a Presidential candidate by the State Convention to represent that particular Presidential candidate at the National Convention and who does not resign from the position is pledged to support that Presidential candidate at the National Convention until the candidate is nominated or until the delegate or alternate is released from the pledges as follows:

1. First (1<sup>st</sup>) nomination convention ballot: delegate or alternate shall be released from the pledge only in the event of death, withdrawal, or by decision of the candidate.
  2. Second (2<sup>nd</sup>) nomination convention ballot: delegate or alternate may be released from the pledge by decision of the candidate;
  3. Third (3<sup>rd</sup>) nominating convention ballot: delegate or alternate shall be released from the pledge if the candidate has failed to receive twenty percent (20%) or more of the total vote cast on the preceding ballot; or by the decision of the candidate;
  4. Fourth (4<sup>th</sup>) and subsequent nominating convention ballots: delegates and alternates are released from any pledge.
- c. Uncommitted Delegates: Uncommitted delegates and alternates may vote as they choose on all questions and candidates presented at the National Convention.