



Democratic National Committee

# REGULATIONS

## OF THE RULES & BYLAWS COMMITTEE

### FOR THE 2008

## DEMOCRATIC NATIONAL CONVENTION

Issued by the Democratic Party of the United States

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*Co-Chairs, Rules & Bylaws Committee*

*As adopted by the DNC Rules and Bylaws Committee, December 2, 2006 and amended February 1, 2007.*

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# REGULATIONS OF THE RULES & BYLAWS COMMITTEE FOR THE 2008 DEMOCRATIC NATIONAL CONVENTION

*As adopted by the Rules and Bylaws Committee, December 2, 2006 and amended February 1, 2007.*

## 1. RULES OF PROCEDURE

### REG. 1.1. TERMS

Throughout these Regulations:

- A. “DNC” means the Democratic National Committee;
- B. “RBC” means Rules and Bylaws Committee;
- C. “Staff” means staff in the DNC Office of Party Affairs and Delegate Selection;
- D. “Rule(s)” mean the Delegate Selection Rules for the 2008 Democratic National Convention as adopted by the DNC on August 19, 2006, as they may be amended, or any rule therein;
- E. “Call” refers to the Call for the 2008 Democratic National Convention as adopted by the DNC on February 2, 2007, as it may be amended;
- F. “Regulations” means these Regulations as they may be amended from time to time;
- G. “Co-Chair(s)” means Co-Chair(s) of the RBC;
- H. “Plan” refers to the state’s Affirmative Action and Delegate Selection Plan;
- I. “State Party” or “State Party Committee” means a body recognized by the DNC as the State’s Democratic Party organization;
- J. “State” includes each geographical entity represented on the DNC, including the District of Columbia, territories, commonwealths and Democrats Abroad;
- K. “Majority” means more than fifty percent (50%) of the RBC members voting in person or by proxy;
- L. “Member” means a member of the RBC;
- M. “State Democratic Chair” means the Chair of each geographical entity represented on the DNC, including the District of Columbia, territories, commonwealths and Democrats

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Abroad, or, the Chair of a committee constituted pursuant to Rule 19.C. of the Delegate Selection Rules who is recognized to act in place of a state's Democratic Chair;

- N. "Secretary" means the Secretary of the Democratic National Committee;
- O. "Days" means calendar days. Weekends and federal holidays shall be included. In computing any period of time prescribed by these Regulations, the day of the act or event from which the designated period of time begins to run shall not be included.

### **REG. 1.2. QUORUM**

A quorum of the RBC exists when forty percent (40%) of the then existing membership of the RBC is present in person or by proxy.

### **REG. 1.3. PROXIES**

Any member may, in writing and with notice to the Co-Chairs, issue a proxy to another member. Proxies may be either general or limited and either instructed or uninstructed. All proxies shall be in writing and transferable if so specified. If instructed, the nature of the instruction shall be expressly indicated on the proxy. No member may hold more than one (1) proxy. A proxy may be counted for purposes of determining the presence of a quorum, and shall be considered a vote for all purposes within the scope of the proxy.

### **REG. 1.4. VOTING**

The RBC shall take action on all substantive matters by a majority vote.

### **REG. 1.5. CO-CHAIRS**

Should both Co-Chairs be absent from any meeting, the Co-Chairs shall designate a member of the RBC to preside at said meeting.

### **REG. 1.6. MEETINGS**

Meetings of the RBC shall be held as determined by vote of the RBC, the call of the Co-Chairs or upon written application of seven (7) members. The Co-Chairs shall determine those instances in which a telephonic meeting may be held in lieu of a meeting in person, provided, however, that upon application of seven (7) or more members, an in-person meeting shall be held. The staff shall maintain a written transcript of all meetings.

### **REG. 1.7. NOTICE**

Unless the Co-Chairs declare an emergency and set forth in writing the reasons therefore, no meeting of the RBC may be held without at least seven (7) days written notice to all members and appropriate notification to the DNC's Press Office, which shall provide notice to national news media. The notice shall prescribe the time, place and agenda of the meeting. No matter may be considered which is not on the agenda unless a majority concurs. Official meetings of the RBC shall be open to the public.

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### **REG. 1.8. ROBERT'S RULES**

Except as otherwise provided in these Regulations, Robert's Rules of Order, Newly Revised, shall be the rules of procedure in the RBC, provided that debate on any question may be limited or closed by a majority, a quorum being present.

### **REG. 1.9. AMENDMENT**

These Regulations may be amended only upon a majority vote of the RBC, provided that seven (7) days written notice of any proposed amendment has been given to the RBC members.

### **REG. 1.10. SUSPENSION**

These Regulations may be suspended only upon the affirmative vote of at least two-thirds (2/3) of those members voting in person or by proxy.

### **REG. 1.11. VACANCIES**

A member may resign from the RBC by notice in writing to the Chairperson of the DNC. Upon receipt of such notice, the Chairperson may appoint a replacement in accordance with the Charter and Bylaws of the Democratic Party of the United States. In the case of a vacancy on the RBC as a result of a DNC membership change, the DNC Chair may appoint a replacement in accordance with the Charter and Bylaws.

## **2. SUBMISSION AND REVIEW OF PLANS**

### **REG. 2.1. DEADLINE**

Each State Party Committee must submit its Delegate Selection and Affirmative Action Plans to the RBC for receipt by no later than 5:00 p.m., on May 1, 2007. Plans should be sent by certified mail (return receipt requested), by an overnight delivery service (signature required), by electronic mail (with confirmation of delivery), by hand delivery (receipt to be retained), or by a combination of the foregoing to: RBC Co-Chairs, c/o the Democratic National Committee, 430 South Capitol Street, S.E., Washington, D.C. 20003.

### **REG. 2.2 FORMAL SUBMISSION**

Each State Party Committee shall include the following documentation with the submission of its Plan to the RBC:

- A a summary of the process for selecting delegates, alternates, standing committee members, the delegation chair and convention pages, along with related deadlines;
- B. a timetable reflecting all significant dates in the state's delegate selection process;
- C. a statement from the State Democratic Chair certifying that the Plan as submitted to the RBC was approved by the State Party Committee;

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- D.** a copy of a press release distributed by the State Party Committee announcing its adoption of the Plan and summarizing the major components of the Plan;
- E.** a statement from the State Democratic Chair certifying compliance with Rule 1.C. which requires a 30 day public comment period prior to the adoption of the Plan by the State Party Committee;
- F.** a copy of all written public comments on the Plan including an identification of every person and/or organization making comments and, where appropriate, a description of the person or group so represented, if such information has been provided or is available to the State Party;
- G.** a blank copy of all forms to be filed with the state or State Party by delegate candidates;
- H.** a statement from the Chair of the State Party Affirmative Action Committee certifying compliance with Rule 6.F. which requires that the Affirmative Action Committee has reviewed the proposed Affirmative Action outreach plan;
- I.** a copy of all state statutes reasonably related to the delegate selection process; and
- J.** a copy of any qualifying forms to be filed with the state or the State Party by presidential candidates.

### **REG. 2.3. INFORMAL SUBMISSION AND REQUEST FOR TECHNICAL ASSISTANCE**

- A.** Any time prior to formal submission of a Plan, a State Party may make a request to the Co-Chairs for technical assistance in drafting the Plan or may submit the proposed Plan to the Co-Chairs for preliminary evaluation. The absence of an informal submission by a State Party or the failure of the State Party to take action on any suggestion made pursuant to an informal submission or request for technical assistance shall not be admissible as evidence in the event of a challenge before the RBC.
- B.** Plans may be submitted for preliminary evaluation between January 4, 2007 and April 1, 2007. Any recommendations from staff based on the preliminary evaluation of a Plan do not constitute approval of a Plan, nor are the Co-Chairs, RBC, or staff restricted in comments raised during the formal review of the Plan.

### **REG. 2.4. EXTENSION OF TIME**

Upon the written request of a State Democratic Chair, the Co-Chairs or their designee may extend the time for submission or re-submission of a Plan which, in the absence of extraordinary circumstances, shall not exceed thirty (30) days. In the event a State Party desires an extension for a longer period of time, the State Party Chair shall submit a written request to the RBC, in which case the extension must be approved by the Co-Chairs.



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### **REG. 2.5. PROCESSING**

- A.** Upon formal submission of a Plan, the Co-Chairs shall notify the members of the receipt of the Plan and shall forward to each member a summary of the Plan. A complete copy of any Plan shall be promptly forwarded to any member who so requests.
- B.** The staff shall review each Plan and prepare a written memorandum stating its recommended findings. The memorandum shall set forth the staff's recommendations as to whether the Plan is: (i) in Compliance; (ii) in Conditional Compliance; or (iii) in Non-Compliance with the requirements of the Rules, the Call and/or these Regulations. The staff shall promptly provide copies of the memorandum to the members.

### **REG. 2.6. TERMS**

- A.** "Compliance" means a Plan complies with the requirements of the Rules, the Call and these Regulations.
- B.** "Conditional Compliance" means a Plan complies with the spirit and generally with the substance of the Rules, the Call and these Regulations but has certain minor deficiencies or omissions.
- C.** "Non-Compliance" means a Plan is deficient in some material respect and therefore does not meet the requirements of the Rules, the Call and/or these Regulations.

### **REG. 2.7. RULES AND BYLAWS COMMITTEE ACTION**

- A.** No later than September 16, 2007, the RBC shall act upon each Plan that has been timely submitted.
- B.** A finding that a Plan is in Conditional Compliance must include a specific list of recommendations required to correct the omissions and/or deficiencies. Within thirty (30) days of receipt of notice of the RBC's finding of Conditional Compliance, the State Party shall correct and resubmit its Plan to the RBC. Upon receipt by the RBC of evidence of appropriate corrective action in response to each of the items of omission and/or deficiency, such a Plan shall automatically be found in Compliance.
- C.** Any finding of Non-Compliance must include a statement identifying the deficiencies in the Plan. The State Party shall correct and resubmit a Plan found in Non-Compliance within thirty (30) days of its receipt of the RBC's finding of Non-Compliance. The RBC shall process each submitted Plan pursuant to Regs. 2.4, 2.5 and 2.7.
- D.** In the event that the RBC requires a second or subsequent resubmission of a Plan found to be in Conditional Compliance or in Non-Compliance, the RBC shall establish a reasonable period within which the corrected Plan must be reviewed.

### **REG. 2.8. EVALUATION OF IMPLEMENTATION**

Any State Party may make a written request of the Co-Chairs for an informal evaluation of the implementation of its Plan. Upon receipt of the request, the Co-Chairs shall designate a member of the RBC or staff to informally assist the State Democratic Chair. The failure of a State Democratic Chair to

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follow any suggestion of the designee of the Co-Chairs shall not be admissible as evidence in the event of any challenge to the implementation of the Plan before the RBC.

### **REG. 2.9. AMENDMENTS TO PLANS**

- A.** Once a State Party's Plan has been found in Compliance by the RBC, any amendments to that Plan must be submitted to and approved by the RBC.
- B.** Technical amendments to a State's Plan may be approved by the Co-Chairs of the RBC. RBC members will be advised of any technical amendments that are approved and will be afforded an opportunity pursuant to Reg. 1.6 to have the amendment considered by the full committee. Substantive amendments to the State's Plan will be referred by the Co-Chairs to the full RBC for consideration.
  - i. Technical amendments are those changes that do not substantively change the delegate selection process and do not impede participation in the process.
  - ii. Substantive amendments are those that substantially alter the process or may result in the inability of all affected parties to fully comply with and participate in the process by reason of insufficient notice of such amendments. Amendments affecting timing of the first step, application of proportional representation, and use of the threshold are among those changes that will be considered substantive in nature.
- C.** No amendment to a State Plan shall be effective unless the substance of the amendment is: (i) approved by all relevant national, state and State Party entities and the RBC at least thirty-five (35) days, and (ii) conforms to all applicable state election procedures at least thirty days, prior to the time the amendment would be implemented. Rule 21 of the 2008 Delegate Selection Rules is applicable to this regulation.

## **3. GENERAL TERMS OF CHALLENGES**

### **REG. 3.1. JURISDICTION OF THE RBC**

- A.** Pursuant to the 2008 Delegate Selection Rules, the Call to the 2008 Democratic National Convention and these Regulations, the RBC shall have jurisdiction to hear and decide any challenge (provided that it is initiated before the 56th calendar day preceding the date of the commencement of the 2008 Democratic National Convention):
  - i. to a State Party organization with respect to its status as the body entitled to sponsor a delegation from that state;
  - ii. alleging failure to submit or implement an approved Affirmative Action program in a timely manner;
  - iii. alleging failure to submit or implement a specific requirement of a state Plan;
  - iv. appealing a decision of a State Party relative to a challenge to a Plan; or
  - v. alleging failure of a State Party to implement a final order of the RBC.

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- B.** This jurisdiction is in addition to that conferred upon the RBC pursuant to the Charter and Bylaws of the Democratic Party.
- C.** The foregoing shall not preclude the RBC from providing advice, assistance or interpretations of the Rules at any stage of the delegate selection process.
- D.** Any request for advice, assistance or interpretations of the Rules pursuant to Reg. 3.1.C. shall be made in writing and shall be submitted to the Co-Chairs, together with the names, addresses and telephone numbers of all affected parties. The RBC shall notify all affected parties of the request and shall provide all such parties with an opportunity to comment on and be heard on the request, under such procedures as the Co-Chairs deem appropriate under the circumstances.
- E.** Any challenge or appeal excluded from the jurisdiction of the RBC by Reg. 3.1.A., and any challenge pending before but not decided by the RBC on or before the 56th calendar day preceding the date of commencement of the Democratic National Convention, shall fall within the jurisdiction of the Credentials Committee.

### **REG. 3.2. PARTIES**

#### **A. Challenging Parties:**

- i.** A challenge to a Plan or the implementation of a Plan, including the Affirmative Action portions of such Plan, shall be brought by at least fifteen (15) Democrats who are residents of the state or level at which delegates to the National Convention are elected in which the challenge arises, and who fulfill (a) below, or if there is not Democratic Party enrollment or registration in the state, then either (b) or (c) below:
  - (a.)** Registered or enrolled as Democrats in those states that employ such procedures. Persons not registered to vote or persons registered as unaffiliated voters or enrolled as members of other parties or as independents shall not have standing to bring a challenge.
  - (b.)** Participated in Democratic Party Affairs. Persons who have participated in the affairs of another political party during the preceding twelve (12) month period shall not have standing to bring a challenge. Participation in a party's affairs shall include, but not be limited to, voting in the immediately preceding primary of that political party.
  - (c.)** Any person who lacks standing under paragraphs (a) and (b) and who demonstrates that he or she attempted to participate in the affairs of the Democratic Party in good faith shall have standing to challenge.
- ii.** Each challenge shall include a statement indicating that each challenger subscribes to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States. With respect to implementation challenges, each challenger must have been personally injured or must be a member of a class injured by the alleged violation.

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### **B. Challenged Parties:**

- i. With respect to a jurisdictional challenge, the challenged party shall be the Democratic Party organization sponsoring a delegation from that state.
- ii. With respect to an implementation challenge where delegates to the Democratic National Convention have not yet been selected from the level at which the challenge arises, the challenged party shall be the Democratic Party organization responsible for that level; provided that where any state law or State Party rule, regulation, decision or other State Party action or omission is challenged, the State Party Committee shall also be named as a challenged party. If, while the challenge is pending, any delegate(s) or alternate(s) to the Convention are selected from the level involved, such delegate(s) or alternate(s) shall be joined as challenged parties if any relief with respect to their credentials at the Convention is sought.
- iii. Where delegates or alternates to the Convention have been selected from the level in which the challenge arises, the challenged party or parties shall be a delegate or alternate, or group of delegates or alternates, or the entire delegation from that level.
- iv. The State Party Committee shall be joined as a challenged party if a challenged party so requests.

### **C. Intervening Parties:**

- i. A State Party Committee may intervene as a matter of right in any challenge proceeding for the purpose of protecting any interest the State Party may have with respect to the proceeding.
- ii. A presidential candidate may intervene as a matter of right in any challenge proceeding for the purpose of protecting any interest the candidate may have with respect to the proceeding.
- iii. For good cause shown, any other person having standing under Reg. 3.2 may be permitted to be heard as an amicus curiae or, in appropriate circumstances, to intervene, for all or limited purposes, by leave of the Co-Chairs or the Hearing Officer.

## **REG. 3.3. FILING, SERVICE OF DOCUMENTS AND COMPUTATION OF TIME**

- A. **Filing:** All documents to be considered in the processing of any challenge shall be filed by an overnight delivery service (signature required), certified mail (return receipt requested), electronic mail (with delivery of confirmation), or by hand delivery (receipt to be retained) during business hours, to: RBC Co-Chairs, c/o Democratic National Committee, 430 South Capitol Street, SE, Washington, DC 20003, with a copy to the State Democratic Chair of the state in which the challenge arises. The original and a copy of each document shall be filed with the RBC, unless a different number is required by the Rules or these Regulations. By written request, the RBC may require additional copies of any relevant document. Filing shall be deemed complete upon receipt, or in the case of hand delivery, upon delivery.

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- B. Service:** Any documents filed in any proceeding pursuant to these Regulations shall be served at the same time by the filing party upon all other parties to the proceeding, with a copy to the State Democratic Chair of the state in which the challenge arises. Service shall be made by an overnight delivery service (signature required), certified mail (return receipt requested), electronic mail (with delivery confirmation), or hand delivery (receipt to be retained) to each party or his or her attorney, if any, or other representative authorized to receive documents on his or her behalf (“agent of record”). Any document filed pursuant to these rules shall be accompanied by a certificate of service signed by the filing party or by his or her attorney, if any, or agent of record. Service shall be deemed complete, in the case of hand delivery, on the date of receipt by the served party or, in the case of service by an overnight delivery service or certified mail, on the first business day on which delivery is attempted.
- C. Time:**
- i. In computing any period of time prescribed by these Regulations, the day of the act or event from which the designated period of time begins to run shall not be included. Weekends and federal holidays shall be included.
  - ii. The Co-Chairs shall have authority for good cause to enlarge or shorten any period of time prescribed by these Regulations. An extension of time shall be granted only when compelling need is shown.

### **REG. 3.4. CHALLENGES**

- A. Jurisdictional Challenges:** A jurisdictional challenge shall be commenced by the filing of a written challenge with the RBC by no less than fifteen (15) persons having standing under Reg. 3.2, no later than thirty (30) calendar days prior to the initiation of a state’s delegate selection process.
- B. Challenges to the Plan:** A challenge to the Plan shall be commenced by the filing of a written challenge by no less than fifteen (15) persons having standing under Reg. 3.2, no later than fifteen (15) calendar days after the adoption of such Plan by the State Party. The challenging parties shall, within the period provided by the State Party Committee in its Delegate Selection Plan, invoke, and shall thereafter exhaust, the remedies provided by State Party Committee procedures for the violations alleged.
- C. Implementation Challenges:** A challenge asserting that a specific requirement of a Plan has not been implemented shall be commenced by the filing of a written challenge by no less than fifteen (15) persons having standing under Reg. 3.2, no later than fifteen (15) calendar days after the alleged violation occurred, or in the case of a challenge to an Affirmative Action program, at any time up to thirty (30) days prior to the initiation of the state’s delegate selection process.
- i. The challenge shall first be considered by the State Party Committee. The State Party Committee shall have twenty-one (21) days, or such longer period as the Co-Chairs deem appropriate, in which to render its decision.

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- ii. The State Party Committee may take such action with respect to the challenge as it is authorized to take under state law and its State Party Delegate Selection Plan.

**D.** Contents of Challenges:

- i. The challenge shall be verified by the notarized signature of each challenging party and shall include the following:
  - (a.) The name, address and telephone number of each challenging party and allegations of fact fulfilling the requirements of Reg. 3.2; and the name, address and telephone number of each challenging party's attorney, if any, or agent of record.
  - (b.) The name, address and telephone number of each delegate or alternate whose credentials are challenged, or a statement that such information is unavailable to the challenging parties; or, where delegates or alternates have not yet been selected, the name, address and telephone number of each challenged party.
  - (c.) An identification of the state and level at which delegates to the National Convention are elected in which the challenge arises.
  - (d.) A plain, concise and specific statement, in separately numbered paragraphs, of each alleged violation of a state Delegate Selection Plan approved by the RBC, or of a final order of the RBC; or a statement that the state does not have an approved Delegate Selection Plan.
  - (e.) A plain, concise and specific statement, in separately numbered paragraphs, of how each challenging party has been injured with respect to his or her participation in the delegate selection process by each alleged violation.
  - (f.) A plain, concise and specific statement of the remedies each challenging party has invoked with respect to each alleged violation before filing a credentials challenge with the RBC, and a statement of the expected length of time for exhaustion of the State Party procedures.
  - (g.) A plain, concise and specific statement, in separately numbered paragraphs, of the relief requested and the reason therefore. If a challenging party proposes that he or she be seated in the state's delegation, the challenge shall include a plain, concise and specific statement of the reasons why that party has a right to be seated, superior to that of the delegate or alternate whose seat he or she seeks; and a plain, concise and specific statement of how the challenging party has complied with all applicable laws, rules and regulations and has participated in the delegate selection process.
- ii. The challenge shall be accompanied by the following documents:

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- (a.) A plain, concise and specific statement that contains, by separately numbered paragraphs, each violation alleged and each form of relief sought.
- (b.) A list of the name, address and telephone number of each witness who is likely to be called to testify in support of the challenge.
- (c.) A list of the documents likely to be offered in support of the challenge, together with copies of those documents.

**E.** Answer:

- i. Within ten (10) calendar days after service of a challenge, each challenged party shall file a written answer, verified by the notarized signature of each challenged party, including the following:
  - (a.) The name, address and telephone number of each challenged party and the name, address and telephone number of his or her attorney, if any, or agent of record;
  - (b.) A statement as to whether the standing under Reg. 3.2 of the challenging parties is in dispute;
  - (c.) A response to the challenge, in separately numbered paragraphs admitting or denying each statement therein, or stating that the challenged party is without sufficient information to admit or deny. A response to a statement shall fairly meet its substance, admitting those parts that are true and denying those parts that are false.
  - (d.) A plain, concise and specific statement, in separately numbered paragraphs, of each and every affirmative defense to the alleged violations, including the reasons that the State Party believes that the challenged provisions of the Plan are in compliance with the Call, the Rules and/or these Regulations;
  - (e.) A plain, concise and specific statement of any other reasons why the challenged party should prevail.
- ii. The answer shall be accompanied by the following documents:
  - (a.) A plain, concise and specific statement that contains, by reference to each numbered paragraph of the challenging statement required by Reg. 3.4.D., a response to each alleged violation or request for relief. A response to a proposition shall fairly meet its substance, admitting those parts that are true and denying those parts that are false. Wherever a proposition is denied in whole or part, the proposition supported by the challenged party on that point shall be stated.
  - (b.) A list of the name, address and telephone number of each witness who is likely to be called to testify in opposition to the challenge.

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- (c.) A list of the documents likely to be offered in opposition to the challenge, together with copies of those documents.
  - iii. Challenged parties may consolidate their answers.
  - iv. If the State Party considers that a challenge is so vague as to preclude a responsive answer, the State Party may so state in the form of a motion filed with the RBC and served on the challengers' attorney, if any, or agent of record. Such motion shall delay the time for filing an Answer until (a) the Co-Chairs determine the motion is without merit or (b) the challengers file an amended challenge upon request of the Co-Chairs.
- F.** Review: Upon receipt of the Challenge and the Answer, the Co-Chairs shall forward the challenge and the answer to the staff for review. Within two (2) weeks after receipt of such Challenge and Answer, the staff shall provide the Co-Chairs with a summary of the challenge and any recommendations for actions by the RBC, including alternatives for amicable resolution of the challenge and answer or the need for additional investigation or inquiry.
- G.** Dismissal and Decision on the Pleadings:
  - i. *Dismissal:*
    - (a.) The Co-Chairs shall dismiss any challenge, or part of a challenge, in the event that:
      - 1.) it does not fall within the jurisdiction of the RBC;
      - 2.) it is brought by persons lacking standing under Reg. 3.2;
      - 3.) it fails to state a valid challenge;
      - 4.) the same challenge has been previously resolved;
      - 5.) there is no evidence in support of the challenge;
      - 6.) there is adequate remedy pursuant to state law or State Party rule available to the challengers which has not been exhausted; or
      - 7.) the challenge is frivolous.
    - (b.) If a State Party has adopted and implemented an approved affirmative action program, the Co-Chairs shall dismiss any challenge, or part of a challenge, which is based solely on composition of the Convention delegation, except in the case of a challenge based upon the failure to achieve equal division.
    - (c.) Any dismissal shall be accompanied by a written opinion of the Co-Chairs.



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- ii. *Decision on the Pleadings:* The Co-Chairs shall have authority to make a decision on the pleadings where it is plain from the challenge and the answer, together with documents accompanying those pleadings, that there is no genuine issue of material fact between the parties. Any decision on the pleadings shall be accompanied by a written opinion by the Co-Chairs.
  - iii. *Review of Dismissal or Decision on the Pleadings:* Within five (5) calendar days after service of a notice of the entry of a dismissal under Reg. 3.4.G.(i), an aggrieved party may file a Petition for Review with the RBC, stating the objections to the Co-Chairs' action, and may file a brief. Within five (5) calendar days after service of the petition, any other party may file a brief. Consideration of the challenge by the RBC shall proceed as in other cases, except that the challenge shall be given precedence on the committee's docket.
- H.** Decision of State Party Committee:
- i. Non-implementation and implementation challenges shall first be brought to the appropriate State Party Committee for a decision to be rendered within twenty-one (21) days.
  - ii. The State Party Committee may take such action with respect to the challenge or other related matter as it is authorized to take under state law and State Party rules.
  - iii. Any party shall have the right to appeal to the RBC within ten (10) days following the notice of the decision of the state body, or after passage of the twenty-first (21) day following filing of the challenge with the State Party Committee, whichever shall come first. The challenger shall file any written decision or order made with respect to the challenge by the State Party Committee. The decision of the State Party Committee shall be given such weight as the RBC finds warranted in the circumstances.
  - iv. Records of proceedings conducted by the State Party Committee with respect to the challenge or other related matter, and other papers relating to the State Party proceedings, shall be admissible in RBC proceedings on the challenge.
- I.** Pre-Hearing Conference: Prior to any hearing, the Co-Chairs or a Hearing Officer designated by the Co-Chairs may call for a pre-hearing conference of the parties. At such conference, the Co-Chairs or Hearing Officer will: (i) make every reasonable effort to facilitate settlement of the challenge; and (ii) discuss the procedures to be followed at the hearing and may request: (a) a final list of witnesses; (b) a final list of documents; and (c) a stipulation of the parties to any issue not in dispute.
- J.** Hearing:
- i. With respect to any challenge or part of a challenge not dismissed or decided on the pleadings under Reg. 3.4.G., an open and public hearing shall be held on the specific factual and legal matters in dispute. An electronic or stenographic recording or clerical notes shall be made of the proceedings at any such hearing.

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- ii. The hearing shall be held in Washington, D.C., unless the Co-Chairs determine that in the interest of justice it should be held elsewhere.
- iii. The hearing shall be conducted by a Hearing Officer appointed by the Co-Chairs. The Hearing Officer shall be a Democrat, neutral in the context of the challenge, experienced in the law, known by reputation to be fair and shall not be involved in or identified with any presidential campaign or any group promoting or opposing credentials challenges. The Co-Chairs shall make a reasonable effort to secure the agreement of the parties to the Hearing Officer.
- iv. The Hearing Officer shall have all power necessary to conduct the hearing in such manner, consistent with these Regulations, as to secure the just, speedy and inexpensive determination of the challenge, including the right to require the parties to participate in a pre-hearing conference.
- v. Prior to the commencement of the hearing, the Hearing Officer shall announce a ruling identifying, on the basis of the papers filed in the challenge and any pre-hearing conference, the specific issues in dispute. The Hearing Officer shall have power to rule that on certain issues only documentary evidence shall be received. Any party objecting to a ruling under this paragraph may make a proffer of the evidence that would have been presented but for the ruling.
- vi. The Hearing Officer shall hear the evidence, dispose of procedural requests and similar matters and, to the extent possible, obtain stipulations of the parties as to the facts of the challenge.
- vii. The Hearing Officer shall have authority to receive all competent evidence relevant to the specific matters in issue and to assign to it appropriate weight.
- viii. The Hearing Officer shall have authority to order for good cause, that a party produce at the hearing designated evidence in the interest of justice. Where a party fails to produce such evidence, the Hearing Officer may make findings of fact adverse to the party on all issues to which the evidence would have been material.
- ix. Subject to any ruling under Reg. 3.4.J.(v), each party shall have the right to present competent oral and documentary evidence relevant to the specific matters at issue and to conduct cross-examination.
- x. The Hearing Officer may require parties to consolidate their challenges or defenses for purposes of the hearing.
- xi. The Hearing Officer shall make and file a written report to the RBC, which shall include findings of fact, conclusions of law and a recommendation for disposition of the challenge. The report shall be served on all parties to the challenge.

**K.** Consideration by the Rules and Bylaws Committee:

- i. The RBC shall begin meetings at the call of the Co-Chairs in Washington, D.C., or elsewhere at the call of the Co-Chairs, to hear challenges.

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- ii. All meetings of the RBC shall be open to the public; provided that the Co-Chairs shall exclude from the specific area where the committee is conducting its business all persons whose presence in that area is not required for the proper conduct of the business.
  
- L.** Request for Hearing by Full Committee: Within two (2) days after service of the Hearing Officer's report, an aggrieved party may file a written Petition for Review with the RBC. The petition shall contain a plain, concise and specific statement of the reasons for appeal and the procedural and/or substantive errors claimed by the petitioner.
  
- M.** Briefs:
  - i. Within three (3) calendar days after filing the Petition for Review, the petitioner for review may file a brief.
  - ii. Within three (3) calendar days after service of the petitioner's brief, a respondent may file a brief.
  - iii. Any party filing a brief shall file as many copies as there are members of the RBC, plus ten (10) copies for the Co-Chairs and staff of the committee.
  
- N.** Argument:
  - i. Each side to a challenge shall be entitled to present oral argument before the RBC for a period determined by the Co-Chairs, generally not to exceed fifteen (15) minutes.
  - ii. The Co-Chairs may require parties to consolidate or separate their challenges or defense for purposes of oral argument.
  - iii. The Co-Chairs shall notify the parties of the time and place of oral argument.
  
- O.** Burden of Proof:
  - i. A timely claim alleging failure to submit or to implement at all, an approved Affirmative Action Plan shall constitute grounds for a challenge with the burden of proof (by clear and convincing evidence) on the challenged party.
  - ii. A timely claim alleging failure to implement one or more specific requirements of an approved Affirmative Action Plan shall constitute grounds for a challenge with the challenging party bearing the burden of proof (by clear and convincing evidence), but with the challenged party presenting its case first.
  - iii. In all other challenges, the challenging party shall bear the burden of proof (by clear and convincing evidence).
  
- P.** Voting: A member of the RBC shall not vote on a challenge arising in his or her own state. All matters shall be determined by a majority vote of those voting in person or by proxy. A quorum shall consist of forty percent (40%) of the total number of committee votes entitled to be counted in the matter.

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## **4. REGULATIONS IMPLEMENTING THE DELEGATE SELECTION RULES FOR THE 2008 DEMOCRATIC NATIONAL CONVENTION**

### **REG. 4.1. GENERAL DEFINITIONS**

- A. “Delegate selection process” as used throughout the Rules means the process directly related to the selection of delegates to the 2008 Democratic National Convention.
- B. “The first meeting in the delegate selection process” as used throughout the Rules includes pre-primary caucuses and first tier caucuses in caucus states.

### **REG. 4.2. RULE 1.G.**

The selection of members of the Standing Committees to the National Convention (Credentials, Platform and Rules) shall be done in conformity with Article VII of the Call to the 2008 Democratic National Convention, as adopted February 2, 2007, by the Democratic National Committee.

### **REG. 4.3. RULE 2.A.**

- A. A state Plan should indicate how voters participating in the delegate selection process will publicly declare their Party preference and have that preference publicly recorded.
- B. In states with Party registration, the Plan should indicate whether voters who are not registered or enrolled as Democrats are able to participate in the process.

### **REG. 4.4. RULE 2.D.**

“Person” as used in Rule 2.D. shall mean:

- i. A caucus or primary voter;
- ii. A candidate for delegate;
- iii. A delegate; or
- iv. An alternate.

### **REG. 4.5. RULE 3.A.**

- A. “End at reasonable hours” as used in Rule 3.A. does not preclude a meeting from continuing when it would be more unreasonable to adjourn the meeting to another time.
- B. Scheduling of meetings related to the delegate selection process shall consider any religious observations that could significantly affect participation (See Charter, Article I.4).

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### REG. 4.6. RULE 3.E.

“Participate in more than one meeting” as used in Rule 3.E. means to register a preference at more than one (1) meeting.

### REG. 4.7. RULES 5.C., 6.A. & 7

- A. Several rules govern and seek to ensure diversity and the full participation of historically under-represented groups in the Party’s delegate selection process. Specifically, Rule 5.C. mandates development of outreach plans; Rule 6.A. requires goals and timetables for certain identified under-represented groups; and Rule 7 directs state parties to develop programs that will achieve full participation of other under-represented groups. Together, these three rules address non-discrimination, affirmative action, and inclusion programs.
- B. Rule 7 requires State Parties to develop a plan intended to secure the full participation in the delegate selection process of LGBT Americans, people with disabilities, and other groups the State Party may deem necessary, commensurate with each group’s participation in the state’s Democratic electorate. Consistent with this rule, State Parties must take reasonable steps to determine the participation of these groups in the state’s Democratic electorate.
- C. The State Plan shall include a section on Affirmative Action, Outreach and Inclusion (hereinafter referred to as the “Affirmative Action section”), which sets out in detail how the state party will satisfy the diversity and full participation requirements imposed by Rules 5.C., 6.A. and 7. The Affirmative Action section must include:
  - i. Provisions for adequate outreach programs as required under Rule 5.C for groups that are historically under-represented in Democratic Party affairs. The term “race/ethnicity” as used in Rule 5.C. refers to African-Americans, Asian/Pacific Americans, Hispanics, and Native Americans.
  - ii. Specific goals and timetables for African Americans, Hispanics, Native Americans, Asian/Pacific Americans and women as required under Rule 6.A.
  - iii. A program to achieve full participation by additional under-represented groups as required under Rule 7, provided, however, that in lieu of a separate inclusion program, a state plan may establish goals and timetables for the under-represented groups identified in Rule 7 (LGBT Americans and people with disabilities), as well as other groups the State Party determines to be under-represented. Such as the special importance of the inclusion of youth as reflected in the Party’s *Charter*.
- D. The purpose of the priority of consideration for African Americans, Hispanics, Native Americans, Asian/Pacific Americans and women in the first sentence of Rule 6.A.(3) is to address the affirmative action goals outlined in the state’s Delegate Selection Plan. The purpose of priority of consideration in the last sentence of Rule 6.A.(3) for the other groups as described in Rule 5.C. and Rule 7 is to assist in the achievement of full participation by those groups in the state’s delegation.

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### **REG. 4.8. RULE 6.C.**

- A.** The phrase, “as far as mathematically practicable,” as used in Rule 6.C.(1), means if the number of delegates or alternates to be allocated is even, the division between men and women must be equal, and if the number is odd, the variance between men and women may not exceed one (1).
- B.** State Plans must specifically provide for equal division of district-level delegate men and delegate women and district-level alternate men and alternate women within each district, as far as mathematically practicable; and the total number of district-level delegates and district-level alternates must be equally divided, as far as mathematically practicable.

### **REG. 4.9. RULE 6.I.**

- A.** For purposes of this Rule, “respective delegations” shall include standing committee members selected by the state, pursuant to Article VII of the Call.
- B.** Presidential candidates shall use their best efforts to submit lists that contain delegates and alternates, as the case may be, who will promote meeting the goals of Rule 6.I.
- C.** The certification required by Rule 6.I. shall be submitted to the Rules and Bylaws Committee by the State Party with respect to each level of delegate and alternate positions, within three (3) business days of the date on which, pursuant to Rule 12.D., the presidential candidates or their authorized representatives are required to submit to the State Party their lists of persons approved or not approved as candidates for those delegate or alternate positions.

### **REG. 4.10. RULE 8**

Where data is based upon historical district boundaries which have changed in the interim, every reasonable attempt shall be made to estimate the vote in the area encompassed by the district to be used for the 2008 process.

*[See Appendix A (page 29) for examples illustrating the formulas for apportioning district level delegates within states as provided in Rule 8.A.]*

### **REG. 4.11. RULE 8.A.**

“Population” as used in Rule 8.A. means the population as determined by the 2000 Federal Census or the most recent estimate available from the Federal Census Bureau.

### **REG. 4.12. RULE 8.E.**

States electing district-level, pledged party leader and elected official, and at-large delegates and alternates at the same meeting shall provide presidential candidates sufficient opportunity to review the list of delegate and alternate candidates for each category pledged to that presidential candidate prior to each election.

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### **REG. 4.13. RULE 9.A.**

- A.** For the purposes of Rule 9.A., the State Democratic Chair and the next highest ranking officer of the opposite sex holding office on the day that the 2008 National Convention convenes shall be included in the state's delegation.
- B.** For purposes of Rule 9.A., the "individuals recognized as members of the DNC" includes each voting member of the Democratic National Committee who is registered to vote and legally resides ("legal residence") in the respective state and holds such office on the day the 2008 Convention convenes, regardless of the manner of his or her selection.
- C.** For the purposes of Rule 9.A.(1), the state's delegation shall include those members of the Democratic National Committee apportioned to the state by the Charter, and certified to the Secretary by the State Democratic Chair, and whose terms commenced on the day after the 2004 National Convention adjourned. In the event a member has died, resigned or otherwise been replaced, the person who has been selected to serve the remainder of the member's term shall be included. Nothing in this Regulation shall be interpreted to permit any person to be included in a state's delegation, pursuant to Rule 9.A.(1), who has not been selected in accordance with the requirements of the Charter and Bylaws of the Democratic Party.
- D.** For the purposes of Rule 9.A.(5), the term "former Chairpersons of the Democratic National Committee" includes National Chairpersons and General Chairpersons.

### **REG. 4.14. RULES 9.B. AND 9.C.**

- A.** A person eligible as a delegate under Rules 9.B. and 9.C. may seek election as a district level delegate and/or an at-large delegate as provided in the Rules.
- B.** Unless otherwise specified in a state's Delegate Selection Plan, the list of persons nominated for consideration as unpledged add-on delegates may be submitted by the State Party Chair.

### **REG. 4.15. RULE 9.C.(1)**

- A.** "Big city mayors" as used in Rule 9.C.(1) is defined as the mayor of a city or the person holding the elective office of executive of a county over 250,000 in population or, in states having fewer than two cities or counties that large, the mayors or persons holding elective office of county executive of the two largest cities and/or counties in the state.
- B.** Even though persons eligible for Party and Elected Official delegates are considered in priority order, these Rules do not mandate the choice of any specific individual.

### **REG. 4.16. RULE 9.C.(3)**

- A.** Each state's Delegate Selection Plan shall provide for procedures by which candidates for pledged Party Leader and Elected Official delegate positions file for election. Included in the Plan must be instructions on how to file, the deadline for filing, and the procedure by which a Presidential candidate may register his or her approval or disapproval.



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- B. State Plans that, pursuant to Rule 9.C.(3), provide an alternate filing process for pledged Party Leader and Elected Official delegate candidates held after the selection of district-level delegates, must include the instructions, deadlines and procedures as specified above.

### **REG. 4.17. RULE 9.D.(2)**

A state Plan that provides for the election of any of its unpledged add-on delegates, pledged Party Leader and Elected Official delegates, or at-large delegates by the State Party Committee must include a description of how members of the State Party Committee have been elected through open processes in conformity with the basic procedural guarantees utilized for delegate selection.

### **REG. 4.18. RULE 9.E.**

Except as provided by Rule 9.A., no person participating in the allocation of delegates by presidential preference at any level of the process, including a state convention, shall automatically serve by virtue of holding a public or party office.

### **REG. 4.19. RULE 10.A.**

- A. In order to implement this provision, the entire at-large delegation elected pursuant to Rule 9 may be reserved, if necessary, for members of one (1) sex.
- B. Selection of at-large delegates shall also be used to assure the full participation of groups specified in Rule 7.

### **REG. 4.20. RULE 11.A.**

A pre-primary candidate caucus for the purpose of establishing slates of delegate candidates shall not be deemed the “first determining stage” in the presidential nominating process.

### **REG. 4.21. RULE 12.B.**

Each state’s Delegate Selection Plan shall specify the date and time by which a person wishing to be elected to a district level or at-large delegate or alternate position must file a statement of candidacy designating his or her presidential or uncommitted preference and his or her signed pledge of support for that preference.

### **REG. 4.22. RULE 12.D.**

- A. A state Plan may not provide that a presidential candidate’s authorized representative be a legal resident of that state.
- B. Each state’s Delegate Selection Plan shall specify the date and time by which presidential candidates or their authorized representatives must advise the State Party if persons pledged to them who have filed for delegate or alternate positions are not bona fide supporters.
- C. Prior to the slating of delegates and alternates at a pre-primary caucus, a state party must convey to the presidential candidate, or that candidate’s authorized representative(s), a

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list of all persons who have filed for delegate or alternate positions pledged to that presidential candidate.

- D. Each state's Delegate Selection Plan shall specify the date by which presidential candidates, or their authorized representative(s), must signify approval or disapproval of the list of at-large delegate and alternate candidates, which must be after the selection of the district level and party leader and elected official delegates.

### **REG. 4.23. RULE 12.E.**

- A. For purposes of these rules, "three (3) names for every such position to which the presidential candidate is entitled" means three separate individuals for each position (i.e. nine names for three slots). Furthermore, each presidential candidate shall use his or her best effort at the district level to approve delegate and alternate candidates who meet applicable equal division and affirmative action considerations in order to achieve the requirements of Rule 6.I. This same principle also applies to any provision requiring one (1) or two (2) names for delegate or alternate positions.
- B. Delegate and alternate candidates removed from the list of bona fide supporters by a presidential candidate do not automatically become uncommitted delegate or alternate candidates.
- C. Delegate or alternate candidates removed by a presidential candidate from the list of bona fide supporters at one level may file to run at another level pledged to that candidate, another candidate, or uncommitted.
- D. In states where presidential candidates may leave only one (1) name for every at-large and pledged party leader and elected official delegate and alternate position to which the presidential candidate is entitled, the presidential candidates may specify the specific individuals for the delegate and alternate positions.

### **REG. 4.24. RULE 12.H.**

Provisions in this rule requiring all delegates and alternates to be bona fide Democrats also applies to all standing committee members.

### **REG. 4.25. RULE 13**

- A. For purposes of these rules, "threshold" is defined as the percentage of votes a preference must receive in order to be allocated delegates.
- B. The methods of allocating delegates pursuant to Rule 13. shall be as provided for in Appendix B of these Regulations (See Page 31).
- C. Under these rules, "uncommitted" is treated as any other presidential candidate status for the purpose of allocating delegates and alternates, but this requirement does not imply that states are required to place "uncommitted" on the presidential ballot.

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### **REG. 4.26. RULE 13.H.**

“Non-binding presidential preference event” includes beauty contest primaries and straw polls.

### **REG. 4.27. RULE 14**

- A. If not otherwise prohibited by a state’s Delegate Selection Plan, a delegate or alternate candidate may submit a statement of candidacy and pledge of support for more than one delegate/alternate category.
- B. A State Plan may provide upon a delegate’s or alternate’s selection at one level, any statement of candidacy by that individual for another level is nullified and that individual is ineligible to be considered for election at another level.
- C. For purposes of these rules, in states that do not otherwise provide an opportunity to file for more than one delegate category at the same time, the filing deadline for at-large delegates and alternates shall be at the same time or after the selection of pledged party leader and elected official delegates.

### **REG. 4.28. RULE 16**

“Register the nontransferable proxy” as used in Rule 16 means to deliver a signed proxy to the person designated therein to exercise it. The proxy must be signed by the person making it.

### **REG. 4.29. RULE 18.B.**

A Presidential candidate receiving one or more delegates at the district level in a state, but not entitled to an alternate because of threshold requirements, will be allocated one of the at-large alternates apportioned to that state. The state will allocate the first at-large alternate to this candidate in accordance with the equal division provisions as specified in the Plan before allocating the other at-large alternates as set out in Rule 10.C.

### **REG. 4.30. RULE 18.C.**

The following formulas are to be used for determining the number of alternates to be selected to each level:

1. District Level Alternates: Sixty-five percent (65%) of the state’s alternates shall be allocated at the district level.
2. At-large and Pledged Party and Elected Official Delegates: Thirty-five percent (35%) of the state’s alternates shall be allocated to these delegates.

### **REG. 4.31. RULE 18.D.**

A delegate may be permanently replaced by an alternate, provided that the replacement has been certified to, and acknowledged by, the Secretary no later than 48 hours before the first official session of the Convention is scheduled to convene.

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### **REG. 4.32. RULE 18.D.(2)**

If a presidential candidate has only one alternate and that alternate permanently replaces a delegate of the opposite sex – thereby causing the delegation to no longer be equally divided – that delegation shall not be considered in violation of Rule 6.C. Notwithstanding Rule 18.D.(2), in such a case, the delegation must use any subsequent permanent replacement as an opportunity to replace a delegate with a person of the opposite sex, in order to return the delegation to equal division.

### **REG. 4.33. RULE 18.E.**

No alternates are to be allocated to unpledged delegates selected pursuant to Rule 9.A. or 9.B. These delegates are not entitled to name either a temporary or permanent replacement nor is the State Party entitled to name a temporary or permanent replacement except in the case of death, as provided by the Call, Article IV.C.2.

### **REG. 4.34. RULE 20.A.**

“Initiation of the state’s delegate selection process” as used in Rule 20.A. means the primary date in states with post-primary caucuses or two-part primaries, or in states with pre-primary caucuses, the date of the pre-primary caucus; or in non-primary states, the first official meeting in the process.

### **REG. 4.35. RULE 20.B**

- A. With respect to a challenge based upon non-submission or non-implementation of an approved Affirmative Action program, the burden of proof is upon the challenged party if the challenge alleges that the challenged party failed to submit or implement at all an approved Affirmative Action Plan. In all other challenges, the burden of proof is upon the challenging party. (See also Reg. 3.4.O.)
- B. An aggrieved party may appeal the decision of the State Party within ten (10) days after being notified of the decision or after the twenty-first (21) day following the date on which the challenge was filed, whichever comes first. (See also Reg. 3.4.H.)

### **REG. 4.36. RULE 20.C.(1)**

- A. DNC members who shall be removed from a delegation pursuant to the imposition of the automatic reduction requirement provided for by this Rule shall include DNC members who are part of the delegation pursuant to Article I.E. of the Call and DNC members who are part of the delegation as a result of their election as a delegate in any other category.
- B. DNC members, including those subject to the automatic reduction sanction of this Rule, are ineligible to run for any delegate and alternate position.
- C. For purposes of Rule 20.C.(1)(b), internet advertising shall not constitute “campaigning” in a state unless such advertising takes the form of paid advertising on the website of a publication or media outlet based in that state or on a website or web page targeted to persons in that state, or is paid or unpaid internet communication specifically targeted or limited to that state.

**REG. 4.37. RULE 20.C.(2)**

A state delegation is subject to sanctions under this provision if its Plan provides or permits the pledged delegates or alternates to be allocated to presidential preference (including uncommitted status) other than as provided for in Rule 13.

**REG. 4.38. RULE 20.C.(3)**

In states employing a multi-tier caucus system, the threshold shall be applied at the tier at which delegates to the National Convention are selected. Sanctions provided for herein shall not be applied for not applying the threshold at an earlier caucus stage.

**REG. 4.39. RULE 21.C.**

A State Plan as approved by the Rules and Bylaws Committee may provide for a Party-run delegate selection process that complies with the 2008 Delegate Selection Rules even if state law provides for a different process.

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## **5. REGULATIONS SUPPLEMENTING THE CALL FOR THE 2008 DEMOCRATIC NATIONAL CONVENTION**

### **REG. 5.1. ARTICLE I.H.**

Add-on unpledged delegates are allocated to the states only on the basis of Article Three, Sections 2(a) and 2(b) of the Charter of the Democratic Party of the United States.

### **REG. 5.2. ARTICLE II.A.**

- A.** Delegates and alternates selected pursuant to a Plan found in non-compliance by the RBC shall not be included on the list of delegates and alternates reported to the Secretary by the RBC for inclusion on the Temporary Roll of the 2008 Democratic National Convention.
- B.** Delegates and alternates shall not be placed on the Temporary Roll until after the period during which a challenge may be brought pursuant to the Rules and Reg. 3.4 has expired and until no challenges to a Plan are pending.
- C.** Pursuant to Rule 6.C.(2), a state's at-large delegates and alternates may not be included on the Temporary Roll until the RBC has determined that the state's delegation complies with the equal division requirements of the Rules.

### **REG. 5.3. ARTICLE IV.A.**

- A.** Delegates and alternates certified to the Secretary pursuant to this Article shall be certified within three days of the step of the process in which they were selected, not the conclusion of the state's entire delegate selection process.
- B.** If a state's law provides that its delegates cannot be named until the Secretary of State (or Board of Elections) certifies the election results, the state's Delegate Selection Plan should so indicate and should provide a time frame in which the results are expected to be certified.
- C.** If a state is subject to the certification process referred to in Reg. 5.3.B., its delegates and alternates must be certified to the Secretary within three days of the certification process required by state law.

### **REG. 5.4. ARTICLE IV.C.1.**

If a delegate dies or resigns within 48 hours of the time the first official session of the Convention is scheduled to convene, and is replaced by an alternate, which leaves the respective presidential candidate (or uncommitted status) without another alternate, the state delegation shall select an alternate to fill the vacancy. That replacement shall not be certified to the Secretary. However, in the event that the alternate subsequently replaces a delegate for a roll call vote, the replacement shall be reflected by the Delegation Chair on the official tally sheets.

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### **REG. 5.5. ARTICLE IV.E.3.**

- A. Convention pages allocated to the states shall be selected by the State Democratic Chair (or by the Chair of a committee constituted pursuant to Rule 19.C.) in consultation with the members of the Democratic National Committee from the state, except those DNC members who are not recognized as delegates, pursuant to Rule 19.C. These pages shall be as evenly divided between men and women as possible, and shall reflect as much as possible the Affirmative Action guidelines in the state's Delegate Selection Plan.
- B. Each state Plan shall include the date on which Convention Pages shall be selected, provided that the Pages shall be certified within three (3) days of their selection and no later than the date by which the state certifies its standing committee members.

### **REG. 5.6. ARTICLE VII.B.3.**

Standing committee members selected pursuant to a Plan found in non-compliance by the RBC shall not be included on the membership roster by the DNC Secretary, nor shall those individuals be allowed to participate as members at the standing committee meeting, nor shall they be afforded guest seating during the Convention as provided in Article V.C.(3) of the Call.

### **REG. 5.7. ARTICLE VII.C.1.**

Pursuant to Rule 10.C., if a presidential candidate entitled to an allocation of standing committee members under this rule is no longer a candidate at the time the at-large delegates are selected, his or her allocation of standing committee members shall be proportionately divided among the other preferences entitled to an allocation.

### **REG. 5.8. ARTICLE VII.G.2.**

Selection of a state's temporary standing committee members should occur within the calendar year of the Convention but before the date of the state's first determining step and no later than 56 days prior to the Convention.



## APPENDIX A HOW TO APPORTION DISTRICT LEVEL DELEGATES

The following examples illustrate the application of the four formulas provided in Rule 8.A. for apportioning District-Level delegates within the state or territory. (See also Reg. 4.11)

<p>Assume the following applies to the state:</p> <ol style="list-style-type: none"> <li>1. Total Congressional Districts (CD's) ..... 10</li> <li>2. District-Level Delegates to Apportion ..... 50</li> <li>3. Total Population             <ol style="list-style-type: none"> <li>a. Statewide ..... 5,000,000</li> <li>b. In CD #1 ..... 500,000</li> </ol> </li> <li>4. Registered Democrats as of January 1, 2008             <ol style="list-style-type: none"> <li>a. Statewide ..... 1,850,000</li> <li>b. In CD #1 ..... 120,000</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>5. 2004 Democratic Presidential Vote             <ol style="list-style-type: none"> <li>a. Statewide ..... 800,000</li> <li>b. In CD #1 ..... 97,000</li> </ol> </li> <li>6. 2004 Democratic Gubernatorial Vote             <ol style="list-style-type: none"> <li>a. Statewide ..... 1,000,000</li> <li>b. In CD #1 ..... 100,000</li> </ol> </li> <li>7. 2000 Democratic Presidential Vote             <ol style="list-style-type: none"> <li>a. Statewide ..... 740,000</li> <li>b. In CD #1 ..... 175,000</li> </ol> </li> <li>8. The Ave. Dem. Presidential Vote for 2000 and 1996             <ol style="list-style-type: none"> <li>a. Statewide ..... 770,000</li> <li>b. In CD #1 ..... 136,000</li> </ol> </li> </ol>
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**FORMULA #1 Gives equal weight to the total population and to the average of the vote for the Democratic candidates in the two most recent presidential elections.**

The allocation fraction is: 
$$X = \frac{1}{2} \left( \frac{ACDV_{04/00}}{ACDV_{04/00}} + \frac{TCDP}{TSP} \right)$$

X.....Allocation Factor for CD#1  
 TCDP.....Total Population for CD#1  
 ACDV.....Ave. CD Dem. Vote for 2004 and 2000  
 TSP.....Total State Population  
 ASDV.....Ave. State Dem. Vote for 2004 and 2000

or, in this example, the allocation formula looks like this: 
$$X = \frac{1}{2} \left( \frac{136,000}{770,000} + \frac{500,000}{5,000,000} \right)$$

which calculates as  $X = \frac{1}{2} \times (.177 + .100); = \frac{1}{2} \times (.277); = .139$ . The resulting Allocation Factor for CD #1 is then multiplied by the total number of district level delegates to determine how many delegates will be allocated to CD #1 ( $.139 \times 50 = 6.95$ ). This result is rounded up to 7. Thus, CD #1 is allocated 7 district level delegates.

**FORMULA #2 Gives equal weight to the vote for the Democratic candidates in the most recent presidential and gubernatorial elections.**

The allocation fraction is: 
$$Y = \frac{1}{2} \left( \frac{CDPV_{04}}{SDPV_{04}} + \frac{CDGV_{04}}{SDGV_{04}} \right)$$

Y.....Allocation Factor for CD#1  
 CDPV.....CD Dem. Presidential Vote for 2004  
 CDGV.....CD Dem. Governor Vote for 2004  
 SDPV.....State Dem. Presidential Vote for 2004  
 ASDV.....State Dem. Governor Vote for 2000

or, in this example, the allocation formula looks like this: 
$$Y = \frac{1}{2} \left( \frac{97,000}{800,000} + \frac{100,000}{1,000,000} \right)$$

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which calculates as  $Y = \frac{1}{2} \times (.121 + .100); = \frac{1}{2} \times (.221); = .111$ . The resulting Allocation Factor for CD #1 is then multiplied by the total number of district level delegates to determine how many delegates will be allocated to CD #1 ( $.111 \times 50 = 5.55$ ). This result is rounded up to 6. Thus, CD #1 is allocated 6 district level delegates.

**FORMULA #3** **Gives 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, 2008.**

The allocation fraction is:  $Z = \frac{1}{2} \left( \frac{ACDV}{ASDV} \frac{04}{04} \frac{00}{00} + \frac{CDRD}{SRD} \right)$

Z.....Allocation Factor for CD#1	ASDV.....State Dem. Pres. Vote for 2004 and 2000
ACDV.....CD Dem. Pres. Vote for 2004 and 2000	SRD.....Statewide Registered Democrats
CDRD.....CD Registered Democrats	

or, in this example, the allocation formula looks like this:  $Z = \frac{1}{2} \left( \frac{136,000}{770,000} + \frac{120,000}{1,850,000} \right)$

which calculates as  $Z = \frac{1}{2} \times (.177 + .065); = \frac{1}{2} \times (.242); = .121$ . The resulting Allocation Factor for CD #1 is then multiplied by the total number of district level delegates to determine how many delegates will be allocated to CD #1 ( $.121 \times 50 = 6.05$ ). This result is rounded to 6. Thus, CD #1 is allocated 6 district level delegates.

**FORMULA #4** **Gives a weight to each of the formulas above (numbers 1, 2, and 3).**

The allocation fraction is:  $\frac{1}{3}(X + Y + Z)$

The allocation for CD #1 calculates as:  $a \times (.139 + .111 + .121); = a \times (.371); = .124$ . The resulting Allocation Factor for CD #1 is then multiplied by the total number of district level delegates to determine how many delegates will be allocated to CD #1 ( $.124 \times 50 = 6.20$ ). This result is rounded to 6. Thus, CD #1 is allocated 6 district level delegates.

## APPENDIX B                      METHOD OF ALLOCATING DELEGATES BY PROPORTIONAL REPRESENTATION

The following example shows how to calculate the allocation of district level delegates by presidential preference, as required by Rule 13 (See Reg. 4.26).

The Congressional District (CD) used in this illustration has five delegates to be allocated. There were four presidential candidates in the election, and a total of 100 votes were cast. Keep the following point in mind:

A presidential candidate whose vote in a district does not attain the 15% threshold of the total vote cast for all candidates in the district shall not be entitled to be awarded any delegates. (Rule 13.B.) If no presidential candidate attains the 15% threshold, the threshold shall be the percentage of the vote received (at each level of the process) by the front-runner, minus 10%. (See Rule 13.F.)

In both primary and caucus states, delegates and alternates shall be awarded to those presidential preferences that meet or exceed the threshold percentage as follows:

**Step 1.** Calculate to three decimals the percentage of vote that each Presidential preference received.

Example:

<u>Candidate</u>	<u>Votes Rec'd</u>	<u>% of Vote</u>
A	46	.460
B	29	.290
C	21	.210
D	4	.040

**Step 2.** Identify those preferences who met the 15% threshold and total their sums. This will be the new base vote. Then recalculate to three decimals the percentage of the vote that each Presidential preference received against the new base vote.

*Example: In Step 1 above, Candidate D did not meet the threshold, so the total vote of candidates exceeding the threshold is 96. The recalculated percentages for the remaining candidates are:*

<u>Candidate</u>	<u>Base Votes Rec'd</u>	<u>New % of Vote</u>
A	46	.479
B	29	.302
C	21	.219

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**Step 3.** Multiply the percentage for each preference in Step 2 by the number of delegates to be awarded in the CD. Calculate the figure to three decimals.

Example:

<u>Candidate</u>	<u>Votes x Delegates</u>	<u>Delegate Allocation</u>
A	.479 x 5	2.395
B	.302 x 5	1.510
C	.219 x 5	1.095

**Step 4.** Each preference shall be entitled to the whole number of delegates assigned in Step 3.

Example:

<u>Candidate</u>	<u>Number of Delegates</u>
A	2
B	1
C	1
Undecided	1

**Step 5.** Any remaining delegates are awarded in the order of the highest fractional remainders for the final tally.

Example: *(As determined in Step 3 above, Candidate B had the highest fractional remainder with .510)*

<u>Candidate</u>	<u>Number of Delegates</u>
A	2
B	2
C	1

**Step 6.** Allocate the delegates between men and women in accordance with the equal division provisions of the state Delegate Selection Plan.