

**THE CALL
FOR THE
1976
DEMOCRATIC
NATIONAL
CONVENTION**



ROBERT S. STRAUSS, Chairman
Democratic National Committee

The Final Call for the

1976

DEMOCRATIC NATIONAL CONVENTION

**Issued by the
Democratic National Committee**

ROBERT S. STRAUSS
Chairman

October 14, 1975

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TO WHOM IT MAY CONCERN:*

By authority of the Democratic National Committee, the National Convention of the Democratic Party called by Resolution of March 21, 1975, is hereby scheduled to convene at Madison Square Garden in New York City, New York, on July 12, 1976, at an hour to be announced at a later date, to select nominees for the Offices of President and Vice President of the United States of America, to adopt and promulgate a platform and to take such other actions with respect to any other matters as the Convention may deem advisable.

Part One

I. DISTRIBUTION OF DELEGATE VOTES

BE IT RESOLVED by the Democratic National Committee that the distribution of votes, delegates and alternates to the 1976 Democratic National Convention shall be in accordance with the following:

*All provisions of this Call were adopted by Resolution of the Democratic National Committee on March 21 or October 14, 1975.

(1) The total number of Convention votes for the delegates to the Convention shall be 3008 as set forth in the compilation included in this Call and determined as provided in paragraphs (2), (3), and (4) hereof.

(2) 1499 of the delegate votes are distributed among the 50 States and the District of Columbia in proportion to the total vote cast for the Democratic candidates for President and Vice President of the United States in 1964, 1968, and 1972, by each State, providing that:

(a) the Democratic vote for President and Vice President in Alabama in 1964 is considered to be the average of the Democratic vote for President and Vice President in Alabama in 1968 and 1972;

(b) each State and the District of Columbia shall receive the proportion of 1500 delegate votes represented by the sum of its vote for the Democratic candidates for President and Vice President in 1964, 1968, and 1972 as a proportion calculated to four decimal places, of the total number of votes cast in all States other than Alabama in favor of the Presidential and Vice Presidential nominees of the Democratic Party in the 1964, 1968 and 1972 elections plus one and one-half times the total number of such votes cast in Alabama in the 1968 and 1972 elections and in the District of Columbia in the 1964, 1968 and 1972 elections. Fractions are rounded off to the nearest whole number.

(3) 1497 of the delegate votes are distributed among the 50 States and the District of Columbia and Puerto Rico in proportion to the number of Electoral Votes possessed by each State, stipulating that:

(a) the District of Columbia is considered to have 4 Electoral Votes;

(b) Puerto Rico is considered to have 8 Electoral Votes;

(c) each State and the District of Columbia and Puerto Rico shall receive the proportion of 1500 delegate votes represented by its proportion, calculated to four decimal places, of the total number of Electoral Votes. Fractions are rounded off to the nearest whole number.

(4) The Virgin Islands, Guam, the Canal Zone and Democrats Abroad will receive 3 delegate votes each.

(5) Each State, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Canal Zone and Democrats Abroad may select a number of alternates equivalent to the sum of: (i) one alternate for each of the first 20 Convention votes received by it pursuant to paragraphs (2), (3) and (4) hereof, (ii) one alternate for each two Convention votes in excess of 20 but less than 101 Convention votes received by it pursuant to paragraphs (2), (3) and (4) hereof, and (iii) one alternate for each three Convention votes in excess of 100 Convention votes received by it pursuant to paragraphs (2), (3) and (4) hereof.

(6) Each State, the District of Columbia and Puerto Rico that receives less than 16 Convention votes pursuant to paragraphs (2) and (3) hereof may select 16 voting delegates to the Convention to cast the total Convention votes received by the State pursuant to paragraphs (2) and (3). The Virgin Islands, Guam, the Canal Zone and Democrats Abroad may select 6 voting delegates to the Convention to cast the total Convention votes received pursuant to paragraph (4) hereof. Half-votes will be permitted in these instances. Additional fractional votes shall not be permitted.

DISTRIBUTION OF VOTES DELEGATES AND ALTERNATES

	Delegate Votes	Alternates	Complete Size of State Delegations*
Alabama	35	28	63
Alaska	10	10	26
Arizona	25	23	48
Arkansas	26	23	49
California	280	120	400
Colorado	35	28	63
Connecticut	51	36	87
Delaware	12	12	28
D. C.	17	17	34
Florida	81	51	132
Georgia	50	35	85
Hawaii	17	17	34
Idaho	16	16	32
Illinois	169	83	252
Indiana	75	48	123
Iowa	47	34	81
Kansas	34	27	61
Kentucky	46	33	79
Louisiana	41	31	72
Maine	20	20	40
Maryland	53	37	90
Massachusetts	104	61	165
Michigan	133	71	204
Minnesota	65	43	108
Mississippi	24	22	46

	Delegate Votes	Alternates	Complete Size of State Delegations*
Missouri	71	46	117
Montana	17	17	34
Nebraska	23	22	45
Nevada	11	11	27
New Hampshire	17	17	34
New Jersey	108	63	171
New Mexico	18	18	36
New York	274	118	392
North Carolina	61	41	102
North Dakota	13	13	29
Ohio	152	77	229
Oklahoma	37	29	66
Oregon	34	27	61
Pennsylvania	178	86	264
Puerto Rico	22	21	43
Rhode Island	22	21	43
South Carolina	31	26	57
South Dakota	17	17	34
Tennessee	46	33	79
Texas	130	70	200
Utah	18	18	36
Vermont	12	12	28
Virginia	54	37 ⁶	91
Washington	53	37	90
West Virginia	33	27	60
Wisconsin	68	44	112
Wyoming	10	10	26
Canal Zone	3	3	9
Guam	3	3	9
Virgin Islands	3	3	9
Democrats Abroad	3	3	9
TOTAL	3008	1896	4944

*States having less than 16 delegates may select 16 delegates to cast the vote of the delegation (Alaska, Delaware, Nevada, North Dakota, Vermont, and Wyoming). The Canal Zone, Guam, the Virgin Islands, and Democrats Abroad may select 6 delegates to cast the vote of the delegation.

II. QUALIFICATIONS OF STATE DELEGATIONS

BE IT RESOLVED by the Democratic National Committee that:

(1) It is understood that a State Democratic Party, in selecting and certifying delegates to the National Convention, thereby undertakes a process in which all Democratic voters have had full and timely opportunity to participate. In determining whether a State Party has complied with this mandate, the Convention shall require that:

(a) the unit rule not be used in any stage of the selection process;

(b) all feasible efforts have been made to assure that delegates are selected through Party primary, convention or committee procedures open to public participation within the calendar year of the National Convention;

(c) delegates to the 1976 Democratic National Convention shall 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;

(d) delegates to the 1976 Democratic National Convention shall be chosen in a manner which assures that no delegate is mandated by law or Party rule to vote contrary to his or her expressed presidential choice, and that any delegate mandated to vote for a presidential candidate be selected in a manner which assures that he or she is in fact a bona fide supporter of that candidate.

Where State law controls (the foregoing), State Parties are required to make all feasible efforts to repeal, amend or modify such laws to accomplish the stated purposes.

(2) Delegates to the 1976 Democratic National Convention shall be selected through or mandated by primary elections conducted by public authority or by other selection processes in which adequate provision is made to restrict participation in such elections or processes to Democratic voters. Adequate provision includes laws which restrict participation to Democratic voters who have been registered as such at least 14 days in advance of such election or process through a system of State or federal voter registration which includes Party registration or, where appropriate, a system of Party enrollment approved by the National Democratic Party, *provided that* such system of Party registration or enrollment may not involve excessively burdensome re-registration requirements and must provide frequent and easily exercised opportunities for non-affiliated voters and new voters to register as Democrats.

In the event that State law does not permit a State Party to conform with the provisions of this section, it has an obligation to make all feasible efforts to repeal, amend or otherwise modify such laws to accomplish these objectives.

(3) It is understood that a State Democratic Party, in selecting and certifying delegates to the Democratic National Convention, thereby undertakes to assure that voters in the State, regardless of economic status, sex, race, age, color, national origin or creed will have the opportunity to participate fully in Party affairs and that voters in the State will have the opportunity to cast their election ballots for the Presidential and Vice Presidential nominees selected by said Convention, and for electors pledged formally and in good conscience to the election of these Presidential and Vice Presidential nominees, under the Democratic Party label and designation, and that the delegates it certifies will not publicly support or campaign for any candidates for President and Vice President other than the nominees of the Convention.

(4) It is understood that the delegates to the Democratic National Convention, when certified by the State Democratic Party, are bona fide Democrats who have the interests, welfare and success of the Democratic Party at heart, and will participate in the Convention in good faith and therefore no additional assurances shall be required of delegates to the Democratic National Convention in the absence of credentials contest or challenge.

(5) Notice is given that on the recommendation of the Commission on Delegate Selection, the Democratic National Committee, on March 1, 1974, adopted 20 Delegate Selection Rules which relate to the requirements of paragraphs (1), (2), (3), and (4) of the foregoing. Delegates to the National Convention shall be selected in conformity with these Rules.

III. DELEGATES TO BE SELECTED NO LATER THAN JUNE 21, 1976

All State Parties are requested to take all steps necessary and appropriate to complete the process of selecting delegates to the 1976 Democratic National Convention no later than June 21, 1976.

IV. STANDING COMMITTEES ON PLATFORM, RULES, AND CREDENTIALS OF THE 1976 DEMOCRATIC NATIONAL CONVENTION

The Democratic National Committee, acting under its authority to issue the Call and establish the Standing Committees of the National Convention, hereby creates and organizes the Standing Committees on Platform, Rules, and Credentials of the 1976 Democratic National Convention.

The jurisdiction and rules of procedure of each Stand-

ing Committee are set forth in this Call to the 1976 Democratic National Convention and the terms of this Resolution.

Each Standing Committee may by majority vote adopt additional rules of procedure for the conduct of its business not inconsistent with this Resolution and the Convention Call.

Each Standing Committee shall be composed of 153 members, casting 150 votes, allocated to the States and territories in accordance with the same distribution formula used to allocate delegates to the National Convention. Such formula results in the following distribution:

State	# of Votes	# of Members	State	# of Votes	# of Members
Ala.	2	2	Nev.	1	1
Alaska	1	1	N.H.	1	1
Ariz.	1	1	N.J.	5	5
Ark.	1	1	N.M.	1	1
Calif.	12	12	N.Y.	12	12
Colo.	2	2	N.C.	3	3
Conn.	3	3	N.D.	1	1
Dela.	1	1	Ohio	7	7
D.C.	1	1	Okla.	2	2
Fla.	4	4	Oreg.	2	2
Ga.	2	2	Penna.	9	9
Hi.	1	1	P.R.	1	1
Idaho	1	1	R.I.	1	1
Ill.	8	8	S.C.	2	2
Ind.	4	4	S.D.	1	1
Iowa	2	2	Tenn.	2	2
Kans.	2	2	Texas	6	6
Ky.	2	2	Utah	1	1
La.	2	2	Vt.	1	1
Maine	1	1	Va.	3	3
Md.	3	3	Wash.	3	3
Mass.	5	5	W. Va.	2	2
Mich.	7	7	Wisc.	3	3
Minn.	3	3	Wy.	1	1
Miss.	1	1	V.I.	¼	1
Mo.	4	4	Guam	¼	1
Mont.	1	1	C.Z.	¼	1
Neb.	1	1	D.A.	¼	1
			TOTAL	150	153

A. The permanent members of the Standing Committees shall be elected by the State's National Convention delegates present at a meeting of which adequate notice of time and place shall be given and at which a majority of the State's delegates shall be present.

The State and territorial delegations shall proportionally represent the presidential preference of all candidates receiving 15% or more of the State delegation, to the nearest whole delegate. The presidential preference percentage of all candidates receiving 15% or more within the delegation shall be multiplied by the total number of Standing Committee positions allocated that State or territorial delegation.

(1) Those presidential candidate delegates not securing a number of Standing Committee positions totaling .455 or above, are not entitled to representation.

(2) Those securing more than .455, but less than 1.455, are entitled to one of the positions.

(3) Those securing more than 1.455, but less than 2.455, are entitled to two positions, etc.

(4) In the case where the application of this formula results in the total allocation exceeding the total number of Committee positions, the presidential candidate whose original figure of representation is the farthest from its eventual rounded-off total shall be denied that one additional position.

(5) In the case where the application of this formula results in the total allocation falling short of the total number of Committee positions, the presidential candidate whose original figure of representation is closest to the next rounding level shall be allotted an additional position.

Standing Committee positions allocated to a presidential candidate, shall be equally divided, to the best extent practicable, to each of the three Standing Committees.

When such allocation results in a distribution at variance to equal distribution of Standing Committee positions by candidate preference, a drawing shall be conducted to distribute the additional positions.

Each presidential candidate shall be given adequate notice of the meeting of the State's National Convention delegation authorized to elect Standing Committee members.

Prior to 48 hours before the publicly called meeting of the National Convention delegation authorized to elect Standing Committee members, each presidential candidate may submit to the State Chairperson a list of approved nominees to Standing Committees equal to three times the number of such members that candidate is entitled to under the allocation formula stated above.

The delegation shall select the Standing Committee members from the presidential candidates' approved lists. In the event such a list of approved members is not submitted by a presidential candidate, the presidential candidate waives his or her right of approval.

B. The membership of the Standing Committees from a State or territory shall be as equally divided among men and women as possible under the State allocation; if the number is even, the membership shall be equally divided between men and women; if the number is odd the variance between men and women may not exceed one, and the advantaged gender must not remain constant for the three Committees.

C. In the event that any Standing Committee is scheduled to meet prior to the completion of the State's National Convention delegate selection process, temporary members from that State may be elected by a procedure which takes place during the calendar year of the Convention at an open, well-publicized meeting of the State Party's govern-

ing body. It is also provided that members selected in this manner are temporary, that substitutions in the temporary list may only be made up to ten days prior to the time the Committee meets, and that permanent members of the Committees will be elected as soon as possible after the State's delegate selection process has been completed. No substitutions will be permitted in the case of permanent members except in the case of resignation, death or serious illness.

D. Members of the Standing Committees need not be delegates or alternates to the Democratic National Convention.

E. The Chairperson of each Standing Committee shall be elected at the first meeting of the Committee with nominations received from the membership. Members shall be privileged to place in nomination and cast their vote for any person without regard to delegate status or Committee membership. Four Co-Chairpersons shall be elected in the same manner.

The Temporary Chairperson of each Standing Committee has been elected by the Democratic National Committee upon nomination received from the Chairman and the Executive Committee of the Democratic National Committee.

Responsibilities of the Temporary Chairpersons of the Standing Committees shall include preparation of an agenda to provide for orderly conduct of the Committees' business; organization of research studies and briefing materials; organization of voluntary staffs; providing hearing schedules; convening the first meeting of the full Committees; and conducting the election of the permanent officers.

F. All meetings of the Standing Committees shall be open to the public.

G. Platform Committee

The Platform Committee shall be responsible for drafting and presenting to the Democratic National Convention the Platform of the Democratic Party.

The Temporary Chairperson of the Platform Committee shall determine the number, place and time for conducting Regional Hearings and shall name the presiding panel for each Regional Hearing. The Temporary Chairperson of the Platform Committee shall, to the maximum extent possible, arrange, in consultation with members of the Platform Committee, for these hearings and for a representative group of witnesses to testify at the Regional Hearing.

Any person may submit a written statement concerning the Platform to the Platform Committee at any time and may request permission to testify at any hearing.

Prior to the first meeting of the Platform Committee, the Chairman of the Democratic National Committee shall arrange to distribute to the members of said Committee a document outlining the issues and alternative positions to be considered by the Platform Committee. The Platform Committee shall, at its first meeting, elect 15 persons to serve on a Drafting sub-Committee and shall also elect the Chairperson of the Drafting sub-Committee. The Chairperson of the Platform Committee shall, after appropriate consultation, make nominations for membership on the Drafting sub-Committee and shall nominate one of such persons as the Chairperson thereof. In addition, one non-voting representative of each Presidential Candidate, appointed by each Presidential Candidate, may serve on the Drafting sub-Committee. The Drafting sub-Committee shall be responsible for the drafting of the Platform's provisions under the direction and with the approval of the full Platform Committee.

Each Presidential Candidate shall be invited to submit to the Platform Committee a written statement of recommendations at any time.

The Report of the Platform Committee and any Minority Reports shall be prepared for public distribution and shall be mailed to all of the delegates no later than 10 days prior to the commencement of the National Convention.

Upon the request of 25 percent of the members of the Platform Committee, a Minority Report shall be prepared for distribution to the Convention delegates as part of the Committee's report. The Committee staff shall assist in the preparation of such report.

H. Rules Committee

The Rules Committee shall have the authority for recommending the Permanent Rules of the Convention, the Convention's agenda, the Permanent Officers of the National Convention, amendments to the Charter of the Democratic Party of the United States, and resolutions providing for the consideration of any other matter not provided for in the Rules of the Convention and not contained in the report of other Committees.

Meetings shall be convened in advance of the Convention at such times and places as the Temporary Chairperson shall determine.

The Report of the Rules Committee and any Minority Reports shall be prepared for public distribution and shall be mailed to all of the delegates no later than 10 days prior to the commencement of the National Convention. Upon the request of 25 percent of the members of the Rules Committee, a Minority Report shall be prepared for distribution to the Convention delegates as part of the Committee's report. The Committee staff shall assist in the preparation of such report.

I. Credentials Committee and Procedures for Challenging Delegates or State Delegations

The Credentials Committee for the 1976 Democratic National Convention shall determine and resolve questions concerning the seating of delegates to the Democratic National Convention. The Committee shall report to the 1976 Democratic National Convention for final determination and resolution of all such questions.

Challenges to the seating of any delegate or State delegation shall be in accordance with procedures set forth in "Rules of Procedure of the Credentials Committee of the 1976 Democratic National Convention" hereby approved and adopted by the Democratic National Committee.

Any challenge to the seating of any delegate or State delegation that is not made in conformity with said "Rules of Procedure of the Credentials Committee of the 1976 Democratic National Convention" shall be deemed waived.

The "Rules of Procedure of the Credentials Committee of the 1976 Democratic National Convention" approved and adopted by the Democratic National Committee are set forth in full as the Appendix to this Call for the 1976 Democratic National Convention.

V. CERTIFICATION OF DELEGATES AND STANDING COMMITTEE MEMBERS

Each State's Democratic Chairperson shall certify in writing to the Secretary of the Democratic National Committee the election of his or her State's delegates to the National Convention within 3 days after the completion of the delegate selection process in the State, and shall certify the election of temporary and permanent Standing Committee members 3 days after their election, giving the full name and address of each of such persons.

VI. ARRANGEMENTS COMMITTEE

The Democratic National Committee acting under its authority to plan, arrange, manage and conduct the National Convention provides for the establishment and organization of a Committee on Arrangements for the 1976 Democratic National Convention.

In addition to the members of the Committee, duly elected by the Democratic National Committee, each Presidential Candidate shall be entitled to appoint one non-voting member of the Committee on Arrangements. The Convention Manager, who shall be elected by the Democratic National Committee, shall also be a non-voting member of the Committee.

The Committee on Arrangements shall be responsible for and exercise the authority of the Democratic National Committee over all Convention business operations — including pre-Convention activities — except as specifically otherwise delegated by resolution, rules or actions of the Democratic National Committee.

This authority is to include, but not be limited to: housing; communications; radio, television and press; security; seating of delegates, alternates, visitors and guests in the Convention; admission and passes; transportation; and finances.

The Committee on Arrangements, its duly elected officers, and the Convention Manager shall exercise the authority of the Democratic National Committee and the Democratic National Convention in entering into contracts relating to all business and financial matters connected with the conduct of the 1976 Democratic National Convention.

The Committee on Arrangements shall make every effort to exercise its authority in accordance with the following stated guidelines.

A. Housing: Hotel facilities shall be allocated to States' delegations and Presidential Candidates by lot. States' delegations, to the extent possible, shall be assigned to one hotel. Ample low-cost housing shall be secured to assure its availability to delegates and alternates who desire to use such facilities.

B. Delegate and Alternate Seating in Convention Hall: The location of each State delegation's seating in the Convention Hall shall be determined by lot. Alternates shall be afforded preferential seating, as close to delegate seating as arrangements will permit.

C. Visitors' Seating: Seats for guests and other observers shall be allocated for and be fairly apportioned to the States according to the States' relative delegate strength. Such allocation of seats shall be made as promptly as possible and public notice shall be given to the States of the number of seats allocated to each. The guest seat passes allocated to the States shall be distributed in a manner to assure a prompt, fair and equitable distribution of passes. Other guest seats shall be allocated to members of the Democratic National Committee, Democratic elected officials and Party officials and others who have served and supported the work of the National Party.

D. Press Seating: The allocation of seats for press and other media coverage of the Convention shall be made by the Arrangements Committee or its designee on a fair and equitable basis which shall assure complete coverage of the event.

E. Delegates' and Alternates' Credentials: The States' delegate and alternate credentials shall be distributed to the Chairpersons of the States' delegations. In the case of credentials challenges to the seating of any delegate or alternate in a State, methods shall be adopted for assuring that the delegates and alternates finally certified on the permanent

roll receive the credentials to which they are entitled as soon after such certification as is possible.

F. Floor Access: Floor access shall be given to delegates, alternates replacing delegates, members of the Democratic National Committee, such number of representatives of the Presidential Candidates as may be deemed necessary, such press, radio, and television personnel as have received floor passes, and such other persons as may be determined are minimally necessary for the proper functioning of the Convention.

G. Presidential Candidates' Space and Facilities: The spaces and facilities which are provided for the Presidential Candidates in the Convention Hall and its immediate environs shall be fairly apportioned so as not to afford an undue advantage to any Presidential Candidate. The cost of such facilities shall be paid by the Presidential Candidates.

H. Communications:

(1) Microphones: There shall be one floor microphone for each State delegation which shall be located at the position of the Chairperson of the State delegation. Each delegate shall have access to the microphone.

(2) Telephones: Adequate provision shall be made for communication between the floor and the Chairperson of the Convention so as to advise the Chairperson of the identity of any delegate seeking recognition to speak and the purpose for which recognition is sought. There shall be installed one telephone for each State delegation, and such additional telephones and means of communication, including telephone directories and public pay phones, so as to afford all delegates reasonable, adequate, and private telephonic communication both within and without the Convention Hall.

(3) Floor Facilities: The Chairperson of each delegation shall also be furnished with necessary facilities to conduct the business of the delegation.

(4) General: No communications equipment other than that authorized by these guidelines or by the Arrangements Committee shall be permitted on the floor of the Convention.

I. Facilities for News Media: There shall be made available adequate facilities, as close to the Convention floor as conditions permit, for press, radio, and television, a limited number of camera positions commanding a full view of the proceedings, and sufficient light to permit color telecasts with the cooperation of the broadcasting industry. The cost of such facilities need not be borne by the Committee.

J. Security: Security within the Convention Hall premises shall be under the sole authority of the Arrangements Committee.

K. Financial Report and Records: A general report and an audited financial report shall be made on or about January 1, 1977. Convention, pre-Convention and post-Convention business records of the Convention's committees, its officers and of the Democratic National Committee, and transcripts of meetings of such Committees relating to the Democratic National Convention shall be open and available for public inspection at reasonable times. Copying, without expense to the Democratic National Committee, shall be permitted.

L. For purposes of applying these guidelines, the term "Presidential Candidate" shall mean any person who has a Committee registered with the Federal Election Commission and who has established substantial support for his or her nomination as President, as determined by the Chairman of the Democratic National Committee, in three or more States.

Part Two

PROCEDURAL RULES OF THE 1976 DEMOCRATIC NATIONAL CONVENTION

BE IT RESOLVED by the Democratic National Committee that the following Procedural Rules shall serve as the Temporary Rules of the 1976 Democratic National Convention and are recommended to the Rules Committee and to the Convention as the Permanent Rules of Procedure for the conduct of the 1976 Democratic National Convention.

I. TEMPORARY CHAIRPERSON

The Chairman of the Democratic National Committee shall call the Convention to order and shall preside until a Chairperson of the Convention shall be chosen in accordance with these Rules.

He shall appoint a temporary secretary and such other temporary officers as may be required to assist him in the conduct of the business of the Convention. These officers shall be composed equally of men and women.

II. TEMPORARY ROLL

The Democratic National Committee shall determine a temporary roll of delegates to the Convention which shall consist of those persons whose names have been certified as delegates unless a credentials contest shall have arisen with respect to any such person, in which case the Democratic National Committee shall include on the temporary roll the name of the credentials contestant recommended for inclusion by the Committee on Credentials in its report.

Persons whose names are included on the temporary

roll shall be permitted to vote on all matters before the Convention until after adoption of the report of the Committee on Credentials provided that no person shall be permitted to vote on his or her own credentials contest.

III. ORDER OF BUSINESS

The order of business for the Democratic National Convention shall be as provided in these Rules and in any special order of business adopted under Section IV of these Rules. The Chairperson of the Convention may, at appropriate times, interrupt the order of business provided for in these Rules for introductions, announcements, addresses, presentations, resolutions of tribute and appreciation or remarks appropriate to the business of the Convention.

A. Report of the Committee on Credentials. The Report of the Committee on Credentials shall be acted upon before the consideration of other business.

1. The Chair shall recognize the Chairperson of the Committee on Credentials for thirty minutes to present the Committee's Report unless a longer period of time shall be provided in a special order of business agreed to by the Convention. The Chairperson of the Committee may present Committee amendments, may yield part of his or her time to others and may yield for the presentation and disposition of minority reports without losing the right to the floor.

2. The Chair shall arrange for the orderly presentation of amendments and of minority reports offered at the direction of the Committee. Twenty minutes shall be allowed for the presentation of each Committee amendment or minority report unless a longer period for any Committee amendment or minority report is provided in special orders of business agreed to by the

Convention. Time shall be equally allotted to proponents and opponents of each Committee amendment or minority report. The question shall be put on each Committee amendment or minority report immediately following its presentation without intervening motion. A majority of the Convention eligible to vote shall constitute acceptance of any such motion.

3. Upon conclusion of the consideration and disposition of Committee amendments and minority reports, the Chair shall put the question on the adoption of the Report of the Committee on Credentials with amendments previously adopted, if any, without intervening motion.

4. In the event that the Committee's Report shall not be agreed to when voted upon, the Committee shall immediately reconvene to reconsider its Report and shall present a new Report to the Convention as soon as possible. The Convention shall be in temporary recess until the Committee shall have adopted a new Report.

B. Convention Chairperson. The Convention shall then proceed to elect the Convention Chairperson in the following manner:

1. The Permanent Chairperson of the 1976 Democratic National Convention, pursuant to Resolution of the 1972 Democratic National Convention, shall be female.

2. The Chairperson of the Committee on Rules shall be recognized to offer a nomination for Convention Chairperson as recommended by the Committee on Rules. Nominations from the floor shall then be received.

3. When there are no further nominations or upon adoption of a motion to close nominations, the Chair shall, after giving any nominee the opportunity to de-

cline nomination, conduct a vote for Convention Chairperson.

4. A majority vote of the delegates present and voting shall be required to elect the Convention Chairperson. Balloting shall continue until a Chairperson is elected.

C. Convention Co-Chairpersons. The Convention shall then proceed to elect four (4) Co-Chairpersons in the same manner in which it elected the Chairperson, provided such Co-Chairpersons shall provide representation of women, youth, blacks, Spanish-speaking and other minorities. On each occasion when the Chairperson must be absent from the Chair, the Chairperson shall appoint one of the Co-Chairpersons or the Chairman of the Democratic National Committee to perform the duties of the Chair for the duration of the Chairperson's absence.

D. Report of Committee on Rules and Order of Business. The Chair shall then recognize the Chairperson of the Committee on Rules and Order of Business to present the Committee's Report for the Rules of the Convention and minority reports, if any, in the same manner as that provided for in the presentation of the Report of the Committee on Credentials.

E. Committee on Resolutions and Platform. The Chairperson shall then recognize the Chairperson of the Committee on Resolutions and Platform to present the Committee's Report and minority reports, if any, in the same manner as that provided for in the presentations of the reports of the Committees on Credentials and Rules.

F. Nomination of the Democratic Candidate for President. The Chair shall then receive nominations from the floor for the office of President of the United States in the following manner:

1. Requests to nominate a Presidential Candidate shall

be in writing and shall have affixed thereto the written approval of the nominee and the name of the delegate who shall be recognized to nominate the Presidential Candidate and shall be delivered to the Convention Secretary not later than 6:00 p.m. of the day preceding the day designated in the official Convention Program for the commencement of Presidential nominations.

2. Each such request must be accompanied by a petition indicating support for the proposed nominee signed by delegates representing not less than 50 nor more than 200 delegate votes, not more than 20 of which may come from one delegation. No delegate may sign more than one nominating petition.

3. The order for nominating Presidential Candidates shall be determined by the Committee on Rules by lot at a drawing, that shall be open to the public, on the morning of the day designated in the official Convention Program for the commencement of Presidential nominations.

4. Each Presidential Candidate shall be allowed a total of 15 minutes time for the presentation of his or her name in nomination by a nominating speech and not more than two seconding speeches; the time to run without interruption from the recognition of the nominator.

5. Delegates and alternates shall maintain order during and following nominations for the office of President, and demonstrations on behalf of Candidates shall not be permitted.

G. Roll Call Ballot for Presidential Candidate. After nominations for Presidential Candidates have closed, the Convention shall immediately proceed to a roll call vote by States on the selection of the Presidential Candidate. A

majority vote of the Convention's certified delegates shall be required to nominate the Presidential Candidate. Delegates may vote for the candidate of their choice whether or not the name of such candidate was placed in nomination. Balloting will continue until a nominee is selected.

H. Acceptance Speech by Presidential Candidate. Immediately after the selection of the Democratic nominee for President, the Chairperson shall appoint a committee to advise the nominee of his or her selection, to determine if he or she will accept the nomination and to invite the nominee to deliver an acceptance speech to the Convention.

I. Nomination for the Democratic Candidate for Vice President. The selection of a nominee for Vice President of the United States shall be conducted in the same manner as that heretofore provided for the selection of the nominee for President of the United States except that:

1. There shall be at least a 12 hour interval between the nomination of the President and the opening of the nominations for the Vice President.

2. A request to nominate must be filed not later than 3 hours before the scheduled opening of the nominations for the Vice President.

J. Roll Call Ballot for Vice Presidential Candidate. After nominations for Vice Presidential candidates have closed, the Convention shall immediately proceed to a roll call vote by States on the selection of the Vice Presidential Candidate. A majority vote of the Convention's certified delegates shall be required to select the Vice Presidential Candidate. Delegates may vote for the candidate of their choice whether or not the name of such candidate was placed in nomination.

K. Acceptance Speech by Vice Presidential Candidate. Immediately after the selection of the Democratic nominee

for Vice President, the Chairperson shall appoint a committee to advise the nominee of his or her selection, to determine if he or she will accept the nomination and to invite the nominee to deliver an acceptance speech to the Convention.

IV. SPECIAL ORDERS OF BUSINESS

It shall be in order at any time for the Committee on Rules and Order of Business to report to the Convention a resolution providing a special order of business for debate of any resolution, motion, committee report or minority report or amendment to a committee report or for the consideration of any matter for which provision is not made under these Rules.

V. POWERS AND DUTIES OF THE CHAIRPERSON

It shall be the responsibility of the Chairperson to conduct and expedite the business of the Convention and to preserve order and decorum in its proceedings.

The Chairperson is authorized to:

1. Appoint a secretary and such other officers as may be required to assist him or her in the conduct of the business of the Convention, to be composed equally of men and women.
2. Appoint any delegate temporarily to perform the duties of the Chair in the absence of the Co-Chairpersons or the Chairman of the Democratic National Committee.
3. Take such lawful action as may be necessary and appropriate to preserve order throughout the Convention Hall.

VI. VOTING

A. *Secret Ballot.* No secret ballots shall be permitted at any stage of the Convention or its committee proceedings.

B. *Proxy Voting.* Neither delegate nor alternate delegate votes may be cast by proxy.

C. *Roll Call Votes.*

1. Voting shall be by voice vote or, when prescribed by these Rules, by roll call vote. A roll call vote may also be had if the Chair is in doubt or upon the demand of any delegate supported by 20 percent of the delegate body as evidenced by (a) a petition submitted to the Chair indicating support of the demand by delegations which comprise not less than 20 percent of the authorized delegate body or, (b) by the rising in support of the demand of not less than 20 percent of the delegates present. In the case of the petition in support of a demand for a roll call vote, a delegation shall be taken to support the demand if a majority of its delegates vote to do so.

2. When a roll call vote is ordered the roll call shall be called by States in alphabetical order and the Chairperson of each delegation or his or her designee shall report the vote of his or her delegation and shall send to the rostrum a tally showing the vote of each member of his or her delegation indicating whether such vote was cast in person or by alternate. It shall be the duty of the Chair to arrange to have copies of roll call tally sheets received by him or her promptly made available to the news media.

3. On a roll call by States, the vote of a delegation as announced, may be challenged by any member of the delegation before the next State is called and the votes

of that delegation shall then be recorded as polled without regard to any State law, Party rule, resolution or instruction binding the delegation or any member thereof to vote as a unit with others or to cast his or her vote for or against any candidate or proposition. The Convention Chairperson may send a representative to the delegation to conduct the poll. At the discretion of the Convention Chairperson, the roll call may continue instead of awaiting the result of the polling.

4. A demand to poll a delegation may be withdrawn at any time before the actual poll has begun.

D. *Interruption of Vote.* When the question has been put, the vote thereon may not be interrupted for any purpose other than a demand for a roll call vote or a point of order directed to the conduct of the vote.

E. *Determination of Question.* Except as otherwise provided in these Rules, all questions, including the question of nominations of candidates for President and Vice President of the United States shall be determined by a majority vote of the delegates to the Convention.

VII. DEATH, RESIGNATION OR DISABILITY OF A DEMOCRATIC NOMINEE

In the event of the death, resignation or disability of a nominee of the Party for President or Vice President, the Democratic National Committee is authorized to fill the vacancy or vacancies by a majority of the total number of votes provided at the Convention. The full vote of each delegation is to be cast by its duly qualified member or members of the Committee with each member casting a proportionate share of his or her delegation's votes.

VIII. INTERPRETATION OF RULES

In interpreting these Rules the Chair may have recourse to the rulings of Chairpersons of previous Democratic National Conventions, to the precedents of the United States House of Representatives and to general parliamentary law.

IX. APPEALS

The Chair shall decide all questions of order subject to an appeal by any delegate which may be debated for not more than ten minutes, the time to be equally divided between the delegate appealing the ruling and a delegate in favor of sustaining the ruling of the Chair; provided that an appeal shall not be in order while another appeal is pending or from decisions on recognition, or from decisions on dilatoriness of motions, or during a roll call vote or on a question on which an appeal has just been decided or when in the opinion of the Chair, such appeal is clearly dilatory.

Before the question is put on any appeal, the Chair shall be entitled to briefly state the reasons for the ruling being appealed.

X. MOTION TO SUSPEND THE RULES

The Chair shall entertain a motion to suspend the Rules which shall be decided without debate and which shall require a vote of 2/3 of the delegates voting, a quorum being present.

XI. MOTION

No question of privilege nor any motion other than those provided under these Rules shall be entertained except the motion to recess (to a time certain or at the call of

the Chair) which shall be privileged, and the motion to adjourn which shall be the highest privilege.

Motions to adjourn or to recess shall be in order at any time except when the question has been put or a vote is in progress and shall be decided without debate. The Chair shall not entertain motions to adjourn or recess when such motion closely follows another such motion if in the opinion of the Chairperson such motion is dilatory.

XII. AMENDMENTS

No amendments to resolutions or motions before the Convention shall be permitted except amendments to Committee Reports offered at the direction of the Committee or in a minority report of the Committee and amendments to resolutions reported from a Committee offered at the direction of the Committee or with the written support of 25 percent of the membership of the Committee, provided that no motion or proposition on a subject different from that under consideration shall be admitted under color of the amendment.

XIII. MINORITY REPORTS

Minority reports of committees shall not be considered as such unless adopted by at least 25 percent of the members of a committee.

XIV. RESPONSIBILITY

By participation in the Democratic National Convention each delegate assumes the responsibility for doing all within his or her power to assure that voters of his or her State will have the opportunity to cast their election ballots for the Presidential and Vice Presidential nominees selected by the Convention and expressly agrees that he or she will

not publicly support or campaign for any candidate for President or Vice President other than the nominees of the Convention.

XV. DEBATE

Unless otherwise provided in these Rules or in a resolution providing for a special order of business, debate on any question shall be limited to a total of 20 minutes and shall be equally divided between proponents and opponents unless they and the Chairperson agree on an additional or lesser amount of time.

XVI. DIVISION OF A QUESTION

When a question contains two or more separate propositions so distinct in substance that one being taken away a substantive proposition shall remain, it shall, on the demand of any delegate, before the question is put, be divided for voting.

XVII. QUORUM

A majority of the delegates to the Convention shall constitute a quorum thereof for the purpose of transacting business. Upon a point of order of no quorum being made, the Chairperson shall ascertain the presence or absence of a quorum by visual estimation and shall not proceed until a quorum is present provided that a motion to adjourn may be offered and voted upon without a quorum present.

XVIII. JOURNAL OF PROCEEDINGS

A summary of all official actions taken each day by the Convention shall be printed and made available to all delegates and alternates the morning of the following day.

A journal of the full proceedings of the Convention shall be printed within the year following the Convention.

Appendix

Relationship between the 1976 Rules of Procedure of the Credentials Committee and the Delegate Selection Rules

BE IT RESOLVED by the Democratic National Committee that the "Rules of Procedure of the Credentials Committee of the 1976 Democratic National Convention" do not amend the Delegate Selection Rules adopted by the Democratic National Committee on March 1, 1974 except with respect to the processing of challenges under Rule 19 of the Delegate Selection Rules.

All delegates to the 1976 Democratic National Convention shall be selected in accordance with the Delegate Selection Rules, and all challenges to the credentials of delegates to the 1976 Democratic National Convention shall be processed in accordance with the "Rules of Procedure of the Credentials Committee of the 1976 Democratic National Convention."

RULES OF PROCEDURE OF THE CREDENTIALS COMMITTEE OF THE 1976 DEMOCRATIC NATIONAL CONVENTION

Rule 1. PARTIES

(a) *Challenging Parties.*

(1) Any challenge to the credentials of any delegate to the 1976 Democratic National Convention shall be brought by at least 15 Democrats registered, enrolled or participating under State statutes or State Democratic Party rules, and resident in the State and political unit in which the challenge arises.

(2) Any challenging party shall have been personally injured with respect to his or her participation in the delegate selection process by any violation complained of, or shall be so situated that he or she clearly will be personally injured by such violation.

(b) *Challenged Parties.*

(1) Where delegates to the Democratic National Convention have been selected from the political unit in which the challenge arises, the challenged party or parties shall be a delegate, or a group of delegates, or the entire delegation, from that political unit.

(2) Where delegates to the Democratic National Convention have not yet been selected from the political unit in which the challenge arises, the challenged party shall be the Democratic Party organization responsible for that political unit, *provided that* where any State law or State Party rule, regulation, decision or other State Party action or omission is challenged, the State Democratic Party shall also be named as a challenged party. If, during the pendency of the challenge, any delegate or delegates to the Democratic National Convention are selected from the political unit involved, such delegate or delegates shall be joined as challenged parties if any relief with respect to their credentials at the Convention is sought.

(3) The State Democratic Party shall be joined as a challenged party if a challenged party so requests.

(c) *Intervening Parties.*

(1) A State Democratic Party may intervene as of right in any challenge proceeding for the purpose of protecting any interest it may have with respect to that proceeding.

(2) A presidential candidate may intervene as of right in any challenge proceeding for the purpose of protecting any interest he or she may have with respect to that proceeding.

(3) For good cause shown, any other person having standing under Rule 1 (a) (1) 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 Chairperson of the Credentials Committee or the Hearing Officer.

Rule 2. 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 hand delivery (stamped copy to be retained) or certified mail (return receipt requested) to: Chairperson, Credentials Committee, c/o Democratic National Committee, 1625 Massachusetts Ave., N.W., Washington, D.C. 20036. Ten copies of each document shall be filed, unless a greater number of copies is required by these Rules. Filing shall be deemed complete upon mailing or, in the case of hand delivery, upon delivery.

(b) *Service.* Any document filed in any proceeding pursuant to these Rules shall be served by the filing party upon all other parties to that proceeding. Service shall be made by causing a copy of the document to be hand delivered (stamped copy to be retained or receipt obtained) or mailed, certified mail (return receipt requested), to each party or his or her attorney (if any). 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). A Challenge and accompanying documents shall be served on the Chairperson of the State Democratic Party in the State in which the challenge arises.

(c) *Time.* (1) In computing any period of time prescribed by these Rules, the day of the act or event from which the designated period of time begins to run shall not be included. Weekends and holidays shall be included. (2)

The Chairperson of the Credentials Committee shall have authority for good cause, on application or *sua sponte*, to enlarge or shorten any period of time prescribed by these Rules. An enlargement shall be granted only where compelling need is shown.

Rule 3. CHALLENGE

(a) A credentials challenge shall be commenced by the filing of a written Challenge not later than (1) ten calendar days after the violation occurred, or (2) ten calendar days after the selection of any delegate whose credentials to the Democratic National Convention are to be put in issue, whichever occurs first. The challenging parties shall, within the period provided by State Democratic Party rules, invoke, and shall thereafter exhaust, the remedies provided by State Democratic Party procedures for the violations alleged.

(b) The Challenge shall be verified under oath by each challenging party and signed by his or her attorney (if any), and shall include the following:

(1) The name, address and telephone number of each challenging party and a statement that said party is a Democrat registered, enrolled or participating under State statutes or State Democratic Party rules; and the name, address and telephone number of each challenging party's attorney.

(2) The name, address and telephone number of each delegate whose credentials are challenged, or a statement that such information is unavailable to the challenging parties and an identifying description of the delegates challenged; or, where delegates have not yet been selected, the name, address and telephone number of each challenged party.

(3) An identification of the political unit and State in which the challenge arises, and a statement that each challenging party resides in that unit.

(4) A plain, concise and specific statement of each violation of a State delegate selection or affirmative action plan approved by the Compliance Review Commission, or a statement that the State has no approved delegate selection or affirmative action plan.

(5) A plain, concise and specific statement of how each challenging party has been or clearly will be injured with respect to his or her participation in the delegate selection process by each alleged violation.

(6) 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 Credentials Committee, and a statement of the expected length of time for exhaustion of the State Party procedures.

(7) A plain, concise and specific statement of the relief requested and the reasons therefor. 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 whose seat he or she seeks; and a plain, concise and specific statement of how the challenging party has substantially complied with applicable laws, rules, and regulations, and has participated in the delegate selection process.

(c) The Challenge shall be accompanied by the following documents:

(1) A set of proposed findings of fact and conclusions of law, sufficient to show the violations alleged and to

support the relief sought. Each finding and each conclusion shall be separately numbered.

(2) 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.

(3) A list of the documents likely to be offered in support of the challenge, together with copies of those documents.

Rule 4. ANSWER

(a) Within seven calendar days after service of a Challenge, each challenged party shall file a written Answer, verified under oath by the challenged party and signed by his or her attorney (if any), and including the following:

(1) The name, address and telephone number of each challenged party, and the name, address and telephone number of his or her attorney (if any).

(2) A response to the Challenge, separately 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.

(3) A plain, concise and specific statement of each and every affirmative defense to the alleged violations.

(4) A plain, concise and specific statement of any other reasons why the challenged party should prevail.

(b) The Answer shall be accompanied by the following documents:

(1) A counter-set of proposed findings of fact and conclusions of law, separately admitting or denying

each proposition set forth in the proposed findings and conclusions of the challenging party, or stating that the answering party is without sufficient information to admit or deny. 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 in part, the proposition contended for by the challenged party on that point shall be stated.

(2) A list of the name, address and telephone number of each witness who is likely to be called in opposition to the challenge.

(3) A list of the documents likely to be offered in opposition to the challenge, together with copies of those documents.

(c) Challenged parties may consolidate their Answers.

Rule 5. DISMISSAL AND DECISION ON THE PLEADINGS

(a) *Dismissal.* (1) The Chairperson of the Credentials Committee shall dismiss any challenge, or part of a challenge, which fails to allege a violation, or lack, of a State delegate selection or affirmative action plan approved by the Compliance Review Commission. (2) The Chairperson shall have authority to dismiss any challenge which otherwise fails to state a claim upon which relief can be granted, or fails to comply substantially with these Rules or which is otherwise manifestly insufficient. (3) Any dismissal shall be accompanied by a written opinion by the Chairperson.

(b) *Decision on the Pleadings.* The Chairperson of the Credentials Committee shall have authority to make a decision on the pleadings where it is plain from the Challenge and the Answer, together with the documents accompany-

ing 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 Chairperson.

(c) *Review of Dismissal or Decision on the Pleadings.* A dismissal under Rule 5 (a) (1) shall be final. Within five calendar days after service of a notice of the entry of a discretionary dismissal under Rule 5 (a) (2) or decision on the pleadings, an aggrieved party may file a Petition for Review by the Credentials Committee stating the objections to the Chairperson's action, and may file a brief. Within five calendar days after service of the Petition, any other party may file a brief. Consideration of the challenge by the Credentials Committee shall proceed as in other cases, except that the challenge shall be given precedence on the Committee's docket.

Rule 6. DECISION OF STATE PARTY BODY

(a) The Chairperson of the Credentials Committee may defer, for such period as is appropriate, proceedings on a challenge in order to give time for the consideration of any challenge or other related matter under State Democratic Party procedures. The deferral period shall not be so long as to interfere with the processing and consideration of the challenge by the Credentials Committee if that should prove necessary.

(b) The State Democratic Party body 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.

(c) After a decision by a State Party body on a challenge or other related matter, any party to the challenge pending before the Credentials Committee may request the Committee to process the challenge, and the Committee

shall do so. The party making the request shall file any written decision or order made with respect to the challenge by the State Party body. The decision of the State Party body shall be given such weight as the Credentials Committee finds warranted in the circumstances.

(d) Records of proceedings conducted by the State Party body with respect to the challenge or other related matter, and other papers relating to the State Party proceedings, shall be admissible in Credentials Committee proceedings on the challenge.

Rule 7. HEARING

(a) With respect to any challenge or part of a challenge not dismissed or decided on the pleadings under Rule 5, an open and public hearing shall be held on the specific factual and legal matters in dispute. A recording or clerical notes shall be made of the proceedings at any such hearing.

(b) The hearing shall be held in Washington, D.C. unless the Chairperson of the Credentials Committee determines that in the interest of justice it should be held elsewhere.

(c) The hearing shall be conducted by a Hearing Officer appointed by the Chairperson of the Credentials Committee. 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 Chairperson shall make a reasonable effort to secure the agreement of the parties to the Hearing Officer.

(d) The Hearing Officer shall have all power necessary to conduct the hearing in such manner, consistent with these

Rules, as to secure the just, speedy and inexpensive determination of the challenge.

(e) At the commencement of the hearing the Hearing Officer shall announce a ruling identifying, on the basis of the papers filed in the challenge, 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.

(f) 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.

(g) A challenging party shall have the burden of proof by clear and convincing evidence on all factual issues necessary to the challenge.

(h) 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.

(i) The Hearing Officer shall have authority to order for good cause, on application or *sua sponte*, 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.

(j) Subject to any ruling under Rule 7 (e), each party shall have the right to present competent oral and documentary evidence relevant to the specific matters in issue, and to conduct cross-examination.

(k) The Hearing Officer may require parties to con-

solidate their challenges or defenses for purposes of the hearing.

(1) The Hearing Officer shall make and file a written Report to the Credentials Committee, 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.

Rule 8. CHALLENGES BASED ON ALLEGED FAILURE TO IMPLEMENT AFFIRMATIVE ACTION PLANS

(a) The Compliance Review Commission shall have jurisdiction to hear and decide any challenge to the extent that it alleges failure of a State Democratic Party body to implement a State affirmative action plan, if the alleged failure to implement occurred 30 days or more before the primary or, in a non-primary State, 30 days or more before the first official meeting in the process. Such challenge shall be processed by the Compliance Review Commission pursuant to Rule 19 (F) of the Delegate Selection Rules and Compliance Review Commission Regulations. No challenge within the jurisdiction of the Compliance Review Commission under this paragraph shall be considered by the Credentials Committee except as provided in paragraph (b) of this Rule.

(b) The Credentials Committee shall have jurisdiction to hear and decide:

(1) Any challenge alleging failure to implement a final order of the Compliance Review Commission issued in a challenge brought under paragraph (a) of this Rule. A challenge brought under this paragraph shall not be subject to Rule 3 (a) but shall be brought not later than ten calendar days after the failure to implement the order occurred.

(2) Any challenge brought under paragraph (a) of this Rule in which the Compliance Review Commission has not issued a final order by the primary or, in a non-primary State, the first official meeting in the process. A challenge brought under this paragraph shall not be subject to Rule 3 (a), but shall be brought not later than ten calendar days after the primary or, in a non-primary State, ten calendar days after the first official meeting in the process.

In any challenge brought under this paragraph, any transcripts or other papers in the record of the Compliance Review Commission proceeding shall be admissible. Any findings of fact made by the Compliance Review Commission shall be conclusive.

(c) The Credentials Committee shall have jurisdiction to hear any challenge alleging failure of a State Party body to implement a State affirmative action plan if the alleged failure to implement occurred later than 30 days before the primary or, in a non-primary State, later than 30 days before the first official meeting in the process. A challenge brought under this paragraph shall not be subject to Rule 3 (a), but shall be brought not later than ten days after the failure to implement the plan was known to the challenging party.

(d) Where, in a challenge brought under paragraph (b) or paragraph (c) of this Rule, it appears that prompt corrective action by a State Party body will remedy a failure to implement an affirmative action plan, the Executive Committee of the Democratic National Committee may issue an order for appropriate corrective action. The Executive Committee shall determine whether its order has been complied with, and its determination shall be conclusive.

Rule 9. CONSIDERATION BY THE CREDENTIALS COMMITTEE

(a) The Credentials Committee shall begin meeting not later than three weeks before the commencement of the Democratic National Convention to consider challenges to the credentials of delegates.

(b) The Chairperson of the Committee shall convene the Committee in Washington, D.C. and/or the Convention City at convenient times to hear challenges.

(c) All meetings of the Credentials Committee shall be open to the public, *provided that* the Chairperson of the Committee 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 that business.

(d) *Request for Hearing by Full Committee.* Within two days after service of the Hearing Officer's Report, an aggrieved party may file a written Petition for Review by the Credentials Committee. The Petition shall contain a plain, concise and specific statement of the errors relied on.

(e) Briefs.

(1) Within three calendar days after filing the Petition for Review the petitioner for review may file a brief.

(2) Within three calendar days after service of the petitioner's brief a respondent may file a brief.

(3) Any party filing a brief shall file as many copies as there are members of the Committee, plus ten copies for the Chairperson and staff of the Committee.

(f) Argument.

(1) Each side of a challenge shall be entitled to argue orally before the Committee for a period determined

by the Chairperson of the Committee and generally not to exceed 15 minutes.

(2) The Chairperson of the Committee may require parties to consolidate or separate their challenges or defenses for purposes of oral argument.

(3) The Chairperson of the Committee shall notify the parties of the time and place of oral argument.

(g) Resolutions.

(1) All resolutions relating to the disposition of a credentials challenge shall be in writing, signed by the proponent and at least one second. Motions relating to the seating or unseating of delegates or alternates shall be seconded by at least seven members, no more than two of whom shall represent the same State as the proponent of the resolution.

(2) All resolutions relating to the disposition of a credentials challenge shall be framed so as to be dispositive of the entire challenge and, to that end, shall be specific in stating the action recommended to be taken by the Convention.

(3) Following the submission of all proposed resolutions to the Chair, the resolution having the largest number of seconds present shall become the pending order of business. Twenty minutes of debate shall be allotted to each motion, equally divided between the proponents and the opponents. At the conclusion of the debate, the resolution shall be put to a vote. In the event the resolution is not adopted, the proposed resolution having the next largest number of seconds shall become the pending order of business, and so on until the challenge is disposed of.

(4) No amendment to any resolution before the Committee shall be permitted, except with the consent of

the proponent, and no resolution or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

(h) *Presidential Preference of Delegation.* Except where a violation is of such a nature as to vitiate or cast serious doubt on the expressed presidential preference of the political unit represented by the challenged delegates, any remedy for a violation shall fairly reflect the expressed presidential preference of that political unit.

(i) *Voting.* A member of the Committee shall not vote on a challenge arising in the State which he or she represents. All matters shall be determined by a majority vote of those present and voting, a quorum of the full Committee being present. A quorum shall consist of 76 Committee votes.

Rule 10. COMMITTEE REPORT

The Report of the Credentials Committee shall be prepared for public distribution and made conveniently available to all delegates to the Democratic National Convention no later than 48 hours before the commencement of the Convention.

Rule 11. MINORITY REPORTS

Upon the signatures of 25 percent of the total membership of the Credentials Committee, a minority report with respect to any matter that came before the Committee shall be prepared for distribution to all delegates to the Democratic National Convention as part of the Committee's report, *provided that* no representative of a State may sign such a minority report relating to the disposition of a challenge to any delegate from his or her state.

Rule 12. TEMPORARY CREDENTIALS COMMITTEE CHAIRPERSON

(a) The Democratic National Committee shall elect a Temporary Chairperson of the Credentials Committee to serve until a Permanent Chairperson is elected at the first meeting of the Committee.

(b) Until the election of the Permanent Chairperson, the Temporary Chairperson shall have all powers and responsibilities conferred by these Rules upon the Chairperson.

(c) The Temporary Chairperson shall have authority to give technical assistance to State Democratic Party bodies and to render interpretations of the Delegate Selection Rules. Such interpretations shall not be binding upon the Credentials Committee, but shall be given great weight by the Committee.

(d) The Temporary Chairperson may bring to the attention of the Executive Committee of the Democratic National Committee any matter that may warrant action by that body under Rule 19 (H) of the Delegate Selection Rules or Rule 8 (d) of these Rules.

Rule 13. RECORD

The official record of any proceeding under these Rules shall be maintained in the office of the Democratic National Committee in Washington, D.C., and shall be open and available for public inspection at reasonable times and for duplication at cost to the Democratic National Committee.

Rule 14. INTERPRETATION AND WAIVER OF RULES AND PROVISION FOR SPECIAL RULES

(a) These Rules shall be interpreted and applied in the

interests of justice and fairness to all parties, speed and economy. To serve these interests, and for good cause, on application or *sua sponte*, the Chairperson of the Committee and the Committee shall each have authority to waive any provision of these Rules other than Rules 3 (b) (4) and 5 (a) (1).

(b) Deadlines for the processing of any challenge filed on or after May 15, 1976 shall be as follows:

(1) The Challenge and accompanying papers shall be filed not later than three days after the occurrence of the violation alleged.

(2) The Answer and accompanying papers shall be filed not later than three days after service of the Challenge.

(3) Any action under Rule 5 (a) or (b) shall be taken not later than three days after receipt by the Chairperson of the Answer and accompanying papers.

(A) The Petition for Review of a dismissal or decision on the pleadings and any supplemental evidentiary materials and briefs shall be filed within three days after service of the order of dismissal or the decision on the pleadings.

(B) Any parties other than the petitioners for review may supplement the record not later than three days after service of the petition and accompanying papers.

(C) The Hearing Officer's report shall be filed not later than ten days after receipt of the Petition for Review.

(4) (A) Any hearing shall commence not later than ten days after receipt by the Chairperson of the Answer and accompanying papers.

(B) The Hearing Officer's report shall be filed not later than seven days after the completion of the hearing.

(5) Requests for consideration by the full Committee shall be filed not later than two days after service of the Hearing Officer's report.

(6) Petitioner's brief to the full Committee shall be filed not later than three days after the filing of the Petition for Review.

(7) Respondents brief to the full Committee shall be filed not later than three days after service of the petitioner's brief.

(c) In addition, for any challenge filed on or after June 8, 1976, the Chairperson of the Credentials Committee may condense and consolidate the timeframes of these Rules, *provided that*:

(1) The Challenge and accompanying papers shall be filed not later than three days after the occurrence of the violation alleged.

(2) The Answer and accompanying papers shall be filed not later than three days after service of the Challenge.

CREDENTIALS COMMITTEE PROCEDURES ADDENDUM

Compliance Review Commission Regulations

Part V, Affirmative Action Implementation Complaint
Procedure

Reg. 5.01. *Affirmative Action Implementation*. Any group of 15 persons having standing as defined in Credentials

Committee Procedures Rule 1 (a) (1) and (2) may make a request for proof of the implementation of a specific requirement of a State's affirmative action plan by filing such request with the Chairperson of the State Party. Such request must come not later than five days after the alleged instance of non-implementation.

If proof is not furnished or if adequate proof is not furnished in response to such a request, persons making the request ("Challenger") may, after the date of filing the request file a written statement of challenge with the Chairperson of the Compliance Review Commission and the State Party Chairperson. Such filing shall be made within five days after the furnishing of some proof by the State Party or within ten days after such request for proof with the State Party Chairperson, whichever shall first occur. Any such statement of challenge shall include the following:

(i) A short and concise statement in numbered paragraphs, of the basis of the challenge, setting forth the facts of the alleged violations of the plan.

(ii) A short and concise statement of the relief requested and the reasons therefor. Any statement of relief requested shall include a specific statement of the action which would correct the deficiency or omission. This suggested statement of relief shall not be binding on the Compliance Review Commission should it determine that some relief is required.

(iii) A list of documents which the challenger proposes to have considered, if available at the time of filing. The list shall be accompanied by copies of all such documents of sufficient clarity to permit clear and readable reproduction by facsimile means.

(iv) The name, address, and telephone number of the challenger's attorney of record or other representative, if any.

Reg. 5.02. *Answer.* Not later than five days after receipt of the challenger's Statement of Challenge, the State Party shall file with the Compliance Review Commission and the challenger:

(i) A specific Answer, by numbered paragraph, to the allegations by the challenger. A separate response must be made to each allegation made by the challenger. Such Answer shall state agreement with or denial of each such allegation. Where an allegation is denied, the challenged party must submit in his or her Answer the facts the State Party believes to be true which would substantiate the denial. Failure to so respond shall be deemed as an admission of the validity of the facts as alleged by the challenger. The Answer may include a statement as to why the challenge should be dismissed.

(ii) A list of documents the State Party proposes to have considered if available at the time of filing. The list shall be accompanied by copies of all such documents of sufficient clarity to permit clear and readable reproduction by facsimile means.

(iii) The name, address, and telephone number of its attorney of record or other representative, if any.

Reg. 5.03. *Staff Review.* (a) Upon receipt of the Challenge and Answer the Chairperson of the Compliance Review Commission shall forward them to the Legal Staff for review. The Legal Staff shall, within one week's time, render to the Chairperson a written opinion as to the merits of the challenge and a recommendation for remedial action, if necessary.

(b) A challenge shall be referred in whole or in part back to the State Compliance body if there is an adequate remedy pursuant to State law or State Party rule available to the challenger.

Reg. 5.04. *CRC Action*. Action by the Compliance Review Commission on the report of the Legal Staff pursuant to Reg. 5.03 shall be by the affirmative vote of a majority of members eligible to vote.

Reg. 5.05. *Review Request*. Within three days after receipt of the report submitted pursuant to Reg. 5.03, the challenger, the State Party or a majority of those CRC members eligible to vote on the report may file with the Chairperson of the Commission a written Notice of Request for a Review Hearing by the Compliance Review Commission ("Notice of Request"). Each Notice of Request shall contain a brief statement of the reasons for taking exception to the report of the Legal Staff, together with the names, addresses and telephone numbers of those persons who would make oral presentations to the CRC if permitted. Within three days the other party may respond opposing the request for a review hearing. The CRC, by an affirmative vote of a constitutional majority, may, based upon the information presented, determine that a review hearing by the CRC shall be conducted and specify the issues for hearing.

Reg. 5.06. *Review Hearing*. In case such hearing is held, the Chairperson of the Compliance Review Commission shall designate three CRC members or one or more Hearing Officers approved by the CRC including a Presiding member or officer to hear presentations by the challenger and the State Party. Oral arguments shall be limited to twenty minutes for each side and shall deal with only those issues specified for hearing by the CRC. After the conclusion of the hearing, the CRC members or Hearing Officer(s) so designated shall make a full report to the CRC, including suggested rulings on issues. Action by the full CRC on such report shall be by affirmative vote of a constitutional majority. All such hearings shall be held in Washington, D.C.

Reg. 5.07. *Findings*. A finding of non-compliance shall place upon the State Party the burden of taking appropriate corrective action. A notarized statement from the State Party to the Chairperson of the CRC describing the corrective action taken shall constitute *prima facie* evidence that the action was taken.

Reg. 5.08. *Remedies*. As provided in Rule 19 (F), the absence of a challenge or the absence of a successful challenge on the implementation of an approved affirmative action plan during the period of CRC jurisdiction will preclude challenging a delegate, delegates or an entire delegation based in whole or in part on the implementation of the affirmative action plan during that period of jurisdiction.

NOTES

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DEMOCRATIC NATIONAL COMMITTEE

1625 Massachusetts Ave., N.W.

Washington, D.C. 20036



FIRST CLASS

Permit No. 1958

Washington, D.C.