



MEMORANDUM

TO: Interested Parties

FROM: Jim Roosevelt and Lorraine Miller
Co-Chairs, Rules and Bylaws Committee

SUBJECT: Background on Democratic Presidential Nominating Process

DATE: March 2, 2020

We are excited that the presidential nominating process is underway. Many of you have asked for more information about the fundamentals of our delegate selection process, so we wanted to provide this memorandum, which provides background on how our party nominates its Democratic candidate for president.

As you know, our party went through an extensive process to reform our nominating process after the last presidential cycle, which resulted in reforms focused on increasing transparency, making the process more accessible, and empowering grassroots voters. We know that our presidential nominating process will engage Democrats at every level and is an important step toward victory in November.

Overview of Process

Our party has historically implemented reforms after each cycle to address areas of concern and to strengthen the process. Some parts of our process this cycle are new as a result of these reforms, and other parts have remained the same from past cycles. There are some basic elements that are important to keep in mind.

As in past cycles, our rules require that all pledged delegates are allocated in proportion to the results in each state. There are no “winner-take-all” contests in our process. In order to be eligible to be allocated delegates, a presidential candidate must receive at least 15% of the vote at each level where delegates are elected.

Beginning in 2020, states that use caucuses to determine support for presidential candidates now base the allocation of delegates on the caucus results at the first level. Previously, caucus states made those determinations at various levels or different times.

Our rules provide a period of time for states to hold their contests, which is often referred to as “the window.” For this cycle, the window “opens” with Super Tuesday on March 3, when 16 contests will be held. The last contest for this cycle will be held on June 6. In addition to “the window,” our rules provide for the states of Iowa, New Hampshire, Nevada and South Carolina to hold contests in February. This timing is the

same that was in place for the 2016 and 2012 cycles. While it has been noted that some states have moved their contests dates to earlier within “the window,” the timing of when a state holds its primary or caucus within the window is governed by state law or chosen by the State Party, and not by the DNC.

When you look at the calendar and each state’s delegate allocation, you will see that less than 5% of the delegates are allocated as a result of the first four early states. By the end of March over 60% of all pledged delegates will have been allocated in proportion to the results, and by the end of April that number jumps to almost 90%.

How to Secure the Nomination

In order to receive the Party’s nomination, a presidential candidate must receive “[a] majority vote of all Convention delegates eligible to vote on the ballot in question.” [*Call, Art. IX.C.7.d*] This has been the case since 1936, when the rules were changed from a two-thirds requirement to our current majority standard.

Pledged Delegates

All persons running to be elected as a delegate candidate must sign a pledge of support for a presidential candidate. [*Rule 13.B*] These delegates, known as “pledged delegates” are allocated to presidential candidates based on the results of the presidential primary or caucus. In order to qualify for delegates, a presidential candidate must receive at least 15% of the vote in the primary or caucus.

For delegates elected at the congressional district level (approximately 65% of pledged delegates), the allocation is based on the results of the primary or caucus in each respective congressional district. [*Rule 14.B*] For delegates elected statewide (at-large and Party Leader and Elected Official (“PLEO”) delegates) the allocation is based on the statewide results of the primary or caucus. [*Rule 11.C*]

As delegates are elected by each state and territory, they are certified to the Secretary of the Democratic National Committee. That certification includes the delegate’s presidential preference -- the presidential candidate for whom they signed a pledge of support and for whom they were elected to serve as a delegate at the National Convention. The deadline for electing delegates is June 20, 2020. [*Call, Art. III*]

Finally, it should be noted that pledged delegates to the Democratic Convention are not legally “bound” to vote for the candidate for whom they were elected. Rather, they are “pledged in all good conscience [to] reflect the sentiments of those who elected them.” [*Rule 12.J*] Under Democratic rules, delegates are always able to vote for their candidate of choice. Because presidential campaigns have the right to review and approve delegate candidates prior to their selection, delegates generally do remain committed to vote for their preferred candidate as long as their candidate is still viable. In cases where a candidate asks his/her delegates to support another candidate, or where a candidate who has accrued delegates drops out -- it is the delegate’s prerogative to either follow the candidate’s request or to vote for the candidate of their choice.

Automatic Delegates

Approximately 84% of the convention delegates are elected based on presidential preference and are referred to as “pledged delegates.” The remaining convention delegates are referred to as “automatic delegates.” This category of delegates includes Democratic governors, Democratic U.S. senators, Democratic members of Congress, Democratic National Committee members and a small number of distinguished former Party officials. Automatic delegates serve as delegates because of a position they hold, rather than who they support for president.

At the conclusion of the delegate selection process, after all the delegates have been certified to the DNC Secretary, the Secretary will announce how many pledged delegates were elected and certified for each presidential candidate. Part of that announcement will include the Secretary’s determination of whether only pledged delegates will vote on the “first ballot” for president, or whether the number of delegates certified as pledged to a presidential candidate is “equal to a majority of all pledged and automatic delegates” in which case automatic delegates will also vote on the first ballot. *[Call, Art. IX.C.7.b]*

The rules provide that a presidential candidate will need to secure a majority of delegates eligible to vote on that ballot in order to become our Party’s nominee and how the roll call ballots and nominating process will work.

Impartiality and Neutrality

Our Charter and Bylaws require that officers and staff of the Democratic National Committee remain neutral and evenhanded in the conduct of the presidential nominating process. The DNC has taken great steps to remain neutral in the presidential primary process and will continue to do so because of the success of our nominating process is paramount to our ultimate goal. This cycle, the DNC established important guidelines to ensure officers and staff maintain neutrality throughout the presidential nominating process.

What about multiple ballots at a Convention?

News stories about multiple ballots at a convention happen every cycle when there’s a contested primary, for both parties. Some examples:

- (February 2008) US News: [Obama, Clinton Head Toward Contested Convention](#)
- (February 2008) San Francisco Chronicle: [Brokered Dem convention looking more likely](#)
- (March 2012) New York Times: [All Odds Aside, G.O.P. Girding for Floor Fight](#)
- (April 2016) NPR: [As A Contested Convention Looms, Republicans Punt On Rules Changes](#)

- (April 2016) The Guardian: [Prospect of contested conventions looms as primary season drags on](#)

None of those years ultimately resulted in a second ballot, and the truth is that multiple ballots at a convention are very rare. The last convention where our Party required multiple ballots to determine its Presidential nominee was in 1952 in Chicago, when Adlai E. Stevenson was nominated on the third ballot.

One of the most important reasons why multiple ballots are rare is because delegates aren't legally bound, and as candidates drop out or a frontrunner emerges, delegates have tended to coalesce around the frontrunner. Historically, this has happened before voting on the first ballot begins at a Convention. We know this year that Democrats are especially motivated to defeat Trump, and are energized to unify around our eventual nominee. In the event there is a second ballot, all delegates (pledged and automatic) will vote and our rules govern how this will work.

The Party's ultimate goal is for its nominating process to put us on the path to victory in November. We know that when Democrats are engaged and energized, our Party and process is stronger. We hope this information is helpful. Please don't hesitate to reach out if you have any questions.