

REPORT *of* THE  
**DEMOCRATIC  
CHANGE COMMISSION**



AS ADOPTED BY THE COMMISSION  
AT ITS DECEMBER 30, 2009 MEETING

Prepared by the DNC Office of Party Affairs and Delegate Selection  
as staff to the Democratic Change Commission

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## Democratic National Committee

December 31, 2009

The Honorable Alexis M. Herman, Co-Chair  
James Roosevelt, Jr., Co-Chair  
Rules and Bylaws Committee  
Democratic National Committee  
430 S. Capitol Street, SE  
Washington, D.C. 20003

Dear Co-Chairs Herman & Roosevelt:

On behalf of the Democratic Change Commission, please find enclosed the Commission's final report and recommendations for improving the presidential primary process. After nearly a year of discussion and examination, the Commission adopted the enclosed report on December 30, 2009 by unanimous agreement. The report is hereby transmitted to the DNC's Rules and Bylaws Committee for review and consideration.

As you know, our work, as laid out in a Resolution adopted by the delegates to the 2008 Democratic National Convention, focused on improving three main areas of the presidential nominating process: 1) changing the window of time during which primaries and caucuses may be held; 2) significantly reducing the number of unpledged delegates to give proper weight to primary voters' and caucus participants' preferences; and 3) improving the caucus system.

Our goals as a Commission were twofold: 1) to recommend a presidential primary process designed to produce the best and strongest possible nominee and 2) to uphold our core principles of openness, fairness, and accessibility. We examined all reform proposals – substantive and incremental – with the issues of implementation and compliance in mind. We heard from Party leaders, elected officials, scholars, and Democratic grassroots activists, and we solicited opinions from the general public.

This was a thoughtful and deliberative process, and we are pleased to offer the enclosed report. A summary of our recommendations are as follows:

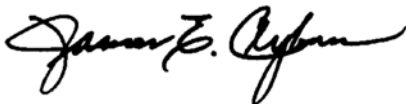
- **Timing of presidential primaries and caucuses:** First, we recommend pushing back the window of time during which primaries and caucuses may be held so that the pre-window could not begin until February 1st or thereafter, and the primary window could not begin until the second Tuesday in March or thereafter. Second, the Commission suggests an incentive system to encourage states to regionally cluster their contests and/or hold their contests later in the nominating calendar so as to avoid frontloading in the calendar.
- **To significantly reduce the number of unpledged delegates:** The Commission recommends: 1) the category of unpledged add-on delegates will no longer be allocated; and 2) converting unpledged delegates (DNC members, Democratic Members of the House and Senate, Democratic Governors and Distinguished Former Party Leaders) to a new category of pledged delegates called the National Pledged Party Leader and Elected Official (NPLEO) delegates, which will be allocated to Presidential candidates based on the state-wide primary or caucus results. These individuals would also have the option of attending the convention as a non-

voting delegate. In either case, they would receive the same floor credentials and housing as others in their state delegation.

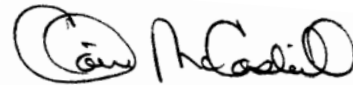
- **To improve the caucus system:** The Commission recommends establishing a “Best Practices” program to help states improve and strengthen their caucuses, keeping in mind that different types of caucuses are used within the Party and that state parties often have limited resources with which to work. The “Best Practices” program would help states adequately plan, organize, and staff caucuses and maximize the opportunity for full participation by all Democratic voters.

We hope that you and the entire membership of the Rules and Bylaws Committee will find our recommendations beneficial as you begin preparing our Party’s rules for the 2012 presidential nominating process and look to making the process as fair, representative, and inclusive as possible.

Sincerely,



James E. Clyburn  
Member of Congress



Claire McCaskill  
United States Senator

# Introduction and Background

In 1964, Fannie Lou Hamer led the Mississippi Freedom Democratic Party's challenge to the credentials of the delegates selected to represent that state at the Democratic National Convention in Atlantic City. That challenge began the modern movement to reform the way in which the Democratic Party selects its nominee for President. It has culminated in the issuance and implementation each cycle by the Democratic National Committee (DNC) of national party rules governing the selection of delegates to each presidential nominating convention. Beginning in 1976, and continuing in each presidential cycle since, the DNC has issued "Delegate Selection Rules" that govern the process by which each state and territorial Democratic Party selects its delegates to the National Convention.

The rules that govern this process are designed to enable the Democratic Party to select its nominees through a fair, open and representative process. Achieving these goals is not a stagnant process - indeed it is the reason the Party has in the past, and continues today, to look at, examine, review and, when necessary, change its delegate selection rules.

The Democratic Change Commission ("Commission") is part of this continuing process. The Commission was established by the 2008 Democratic National Convention to study and make recommendations to improve the timing of presidential primaries and caucuses, reduce significantly the number of unpledged party leader and elected official delegates; and review the caucus system to assure that caucuses are organized in a method that ensures maximum participation. This is a mandate that the members of the Commission have taken seriously, committing ourselves to an open and rigorous process.

During the past year, the Commission has held four public meetings, heard testimony from a broad and diverse group of presenters and discussed, in detail, the differing points of view on the very important issues before us. And because neither our members nor this process exists in a bubble, the Commission has had the benefit of hearing the opinions of countless others who are interested in the Democratic Party. We solicited opinions from grassroots Democrats and received substantial input from them via our website on improvements they would like to see to our presidential nominating process.

The Commission heard consistent and broad concerns that the nominating calendar begins too early as well as the negative impact of frontloading.

The Commission is aware of the important role party leaders and elected officials play in the nominating process and of the equally important role grassroots activists play in the process.

The Commission respects the role caucuses have played in the nominating process to build grassroots participation, but realizes that improvements can be made to better organize caucuses and maximize the opportunity for all Democratic voters.

Overarching all of the input we have received is the importance of being mindful and respectful of the Party's rich ethnic, racial, regional, economic, religious and philosophical diversity as we review and improve our presidential nomination process.

The Commission believes that its recommendations recognize these concerns and, more importantly, focus on what we all agree is and must be our ultimate goal: producing the best and strongest Democratic nominee for the office of President of the United States.

## Creation of the Democratic Change Commission

The 2008 National Convention adopted a Resolution establishing the “Democratic Change Commission” to examine three particular issues that emerged during the 2008 presidential nominating process. After studying these issues, the Commission is to make appropriate recommendations for changes in the 2012 Delegate Selection Rules, which deal with these issues.

Specifically, the Commission is charged with: (1) examining the scheduling of Democratic presidential primaries and caucuses for 2012; (2) reducing significantly the number of unpledged delegates (aka “superdelegates”) in the nominating process; and (3) improving the planning and implementation of caucus systems.

The Resolution establishing the Commission mandates that the opening date of the window be moved to the first Tuesday in March and requires that the four states in the pre-window hold their events in February. There was a general sense that the 2008 election process started too early and that too many states held their primaries and caucuses too early in the process.

The close Contest between two candidates in the 2008 primary elections created a fear that the unpledged delegates would overrule the delegates chosen by the votes of the public. Although this was not the case in 2008, it was felt that the number of these unpledged delegates should be significantly reduced to prevent this from happening in the future.

Because of the interest and excitement surrounding the 2008 primaries and caucuses, there was unprecedented participation in these events. The increased number of participants in the states using caucus systems created logistical issues. Additionally, various Commission members expressed concern that people who are unable to attend caucuses due to work schedule, health issues or similar issues, are unable to participate in the caucus process.

After studying these three issues, the Commission was mandated to make its final recommendations on how to deal with these three issues to the DNC by December 31, 2009.

## DNC Authority Over the Delegate Selection Process

Under the delegate selection rules, the DNC requires each State Party to develop a written plan for the selection of delegates to the national nominating Convention, and to submit that plan to the DNC Rules & Bylaws Committee (RBC), the Party’s body charged with administering the delegate selection process.<sup>1</sup> The Committee reviews each plan for compliance with the Delegate Selection Rules.<sup>2</sup> As explained in detail below, since 1980, one of those rules has addressed the timing of presidential primaries and caucuses in each state.

It is well established that the Party process through which delegates are selected – caucuses and Party-run primaries – are subject to the rules of the National Party. As such, no state law can dictate to a State Party how, whether, or when to hold a Party-run event. Moreover, it is solely within the DNC’s purview to

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<sup>1</sup> *The Delegate Selection Rules for the 2008 Democratic National Convention*, as adopted by the DNC August 2006; Rule 1

<sup>2</sup> *Ibid*; Rule 1.D & 1.E



determine if those Party-run events have been conducted in compliance with applicable rules, and if their results will be recognized by the National Party.

With respect to primaries that are run and paid for by a state government, rulings of the Supreme Court and lower courts over the years have made clear that, ultimately, the DNC (and RNC) cannot force a state to hold or not hold a primary or tell the state when the event must be scheduled. However, the National Party and its Convention do have the constitutionally protected right: to disregard the results of that primary if it is held in violation of National Party rules; to refuse to seat, at the Convention, delegates chosen based on that primary; and/or to force a State Party to hold an alternative, Party-run process (caucus) to choose the delegates to attend the Convention.<sup>3</sup>

In the leading case of *Democratic Party of the United States v. Wisconsin ex rel. LaFollette*, Wisconsin state law provided for a Democratic presidential primary open to Republicans and Independents, and required delegates to vote in accordance with the results of the primary. The State Party submitted a delegate selection plan providing for such an open primary and the DNC's Compliance Review Commission (the predecessor to the DNC Rules and Bylaws Committee) disapproved the plan, indicating that delegates chosen under the plan would not be seated at the 1980 Convention. The state sued in the Wisconsin Supreme Court, which ordered that delegates be apportioned based on the open primary and that they be seated at the Convention.

The U.S. Supreme Court reversed, ruling that, while Wisconsin was free to run an open primary, it could not force the DNC to seat a delegation chosen in contravention of the Party's rules because such a requirement would violate the Party's associational rights protected by the First Amendment. The Court rejected the state's argument that its open primary law placed only a minor burden on the National Party, holding that a "State . . . may not substitute its own judgment for that of the Party. A political party's choice among the various ways of determining the makeup of a state's delegation to the party's national convention is protected by the Constitution."<sup>4</sup> The Court found that the various interests asserted by the state in holding an open primary did not justify the state court's order:

The State has a substantial interest in the manner in which its elections are conducted.... The National Party rules do not forbid Wisconsin to conduct an open primary. But if Wisconsin does open its primary, it cannot require that Wisconsin delegates to the National Party Convention vote there in accordance with the primary results, if to do so would violate Party rules.<sup>5</sup>

It is thus clear that, if a state enacts legislation providing for a presidential preference primary or caucus to be conducted in violation of National Party rules, the DNC can require a State Party to choose its delegates through an alternative process, e.g., a caucus process that complies with the rules, and can ultimately enforce that requirement by refusing to seat at the Convention delegates allocated among presidential preferences based on the event conducted in violation of the rules.

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<sup>3</sup> *California Democratic Party v. Jones*, 530 U.S. 567, 573\_78 (2000); *Democratic Party of United States v. Wisconsin ex rel. La Follette*, 450 U.S. 107 (1981); *Cousins v. Wigoda*, 419 U.S. 477 (1975)

<sup>4</sup> *Democratic Party of United States v. Wisconsin ex rel. La Follette*, 450 U.S. 107 (1981) at 123-24

<sup>5</sup> *Ibid* at 126

# History of Democratic Party Presidential Nominating Process

## 1972 & 1976 Cycles

The 1968 Convention adopted a requirement, as part of the Call for the 1972 Convention, that the delegate selection process must begin within the calendar year of the Convention. Additionally, the 1968 Convention adopted resolutions establishing the Commission on Party Structure and Delegate Selection, which became known as the “McGovern-Fraser Commission”, in reference to its Chairs, initially Senator George McGovern and later Minnesota U.S. Representative Donald Fraser.

After completing its work in 1969, the McGovern-Fraser Commission adopted “Guidelines for Delegate Selection” for the 1972 Convention. The Commission expressed concern that the elected officials and Party leaders who chose the delegates in many states were themselves selected or elected well before the calendar year of the Convention. The Commission adopted a requirement that “state parties...prohibit any practices by which officials elected or appointed before the calendar year choose nominating committees or propose or endorse a slate of delegates...”<sup>6</sup>

The Delegate Selection Rules for the 1976 Convention reiterated this requirement by stating that all “steps in the delegate selection process, must take place within the calendar year of the Democratic National Convention.”<sup>7</sup>

In the meantime, although the DNC had not yet focused on the timing of specific events, there was pressure on New Hampshire to take part in a regional New England primary as well as efforts by Florida and Massachusetts legislators to move their respective state’s primary date ahead of New Hampshire.<sup>8</sup> As a result of these developments, in 1975, New Hampshire enacted a statute providing that New Hampshire’s primary be held on the second Tuesday in March or on the Tuesday immediately before the date on which any other New England state would hold a similar election.<sup>9</sup>

## 1980 Cycle

In 1975 the DNC created another reform body to study the nominating process. Formally called the Commission on the Role and Future of Presidential Primaries, the group was chaired by then-Michigan State Chair Morley Winograd and became known as the Winograd Commission. As part of its work, the Winograd Commission, while studying the issue of timing, explored issues including a national primary, regional primaries and limiting the length of the delegate selection process.<sup>10</sup> The Commission concluded that the existing system had strengths and weaknesses, noting that “Many have complained that the delegate selection process is too long. Others have complained that the early primaries and caucuses have

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<sup>6</sup> *Mandate for Reform - a Report of the Commission on Party Structure and Delegate Selection to the Democratic National Committee*. April 1970; 47

<sup>7</sup> *The Delegate Selection Rules for the 1976 Democratic National Convention* as adopted by the DNC March 1, 1975; Rule 3.A.

<sup>8</sup> Palmer, Niall A. *The New Hampshire Primary and the American electoral process*. Westport, Connecticut: Praeger Publishers, 1997.

<sup>9</sup> Ibid.

<sup>10</sup> *Openness, Participation and Party Building: Reforms for a Stronger Democratic Party - Report of the Commission on Presidential Nomination and Party Structure*. January 1978.

undue influence on the process....”<sup>11</sup> Ultimately, the Commission concluded that “the length of the delegate selection process should be condensed to 13 calendar weeks, with the first determining stage...occurring not prior to the second Tuesday in March....”<sup>12</sup> Consistent with this recommendation, Rule 10.A. of the 1980 Delegate Selection Rules provided that no event “constituting the first determining stage in the presidential nominating process....may be held prior to the second Tuesday in March....”<sup>13</sup> or March 11, 1980.

In advance of the 1980 cycle, Iowa General Assembly enacted a statute mandating that the state’s caucuses be held no later than the second Monday in February.

## 1984 Cycle

The 1980 Convention authorized creation of the Commission on Presidential Nomination, which was chaired by then-North Carolina Governor James B. Hunt, Jr. and came to be known as the Hunt Commission. Its review of past cycles led the Hunt Commission to express concern about the frontloading of delegate selection events within the window period. The Hunt Commission noted that in 1972, 17% of the delegates had been allocated to a presidential candidate by mid-April, while in 1976 the comparable percentage was 33% and in 1980, 44%. The Commission found that, “Such trends threaten the pacing and the responsiveness of the process in several respects. They give even greater influence to a few ‘pace-setting’ early states. They threaten to ‘lock up’ the nomination prematurely....”<sup>14</sup>

With respect to the window itself, the Hunt Commission stated that:

The Commission heard a great deal of testimony as to the expense and divisiveness of a prolonged campaign and the unfairness of a system which gives disproportionate influence to a few early states. We regard it essential to shorten the primary/caucus season: the rule we are proposing would delay its beginning by five weeks. At the same time we see some value in a few early contests where lesser-known candidates can have a greater impact and face-to face-politics still predominates. We also appreciate the importance of the early caucuses to Democratic party building in Iowa and the 30-year history of New Hampshire’s early primary.<sup>15</sup>

Based on these considerations, the Hunt Commission recommended that the 1984 rules require that no event be held earlier than the second Tuesday in March (March 11, 1984), with specific exemptions for Iowa, to hold its caucuses no more than 15 days before the opening of the window (February 27), and New Hampshire, to hold its primary no earlier than the first Tuesday in March (March 4). The 1984 Delegate Selection Rules incorporated this recommendation.

As events unfolded, the State of Vermont scheduled a primary for March 6, an event which because of the March 11 window opening date became a non-binding beauty contest on the Democratic side—and therefore not a violation of the window—but was arguably binding on the Republican side. In response, New Hampshire Secretary of State Bill Gardner invoked his state’s statute and interpreted it to require the

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<sup>11</sup> Ibid; 71

<sup>12</sup> *Delegate Selection Rules for the 1980 Democratic National Convention* as adopted by the DNC June 9, 1978; Rule 10.A.

<sup>13</sup> Ibid.

<sup>14</sup> *Report of the Commission on Presidential Nomination*. February 1982; 11

<sup>15</sup> Ibid; 19-20

New Hampshire primary be first by seven days. Consequently, the 1984 New Hampshire primary was scheduled for February 28. Since this put the primary one day after the Iowa caucuses, Iowa then enacted a statute requiring that its caucuses be held at least eight days prior to any other state's delegate selection event.<sup>16</sup> Then, Iowa moved its caucuses up as well to February 20, 1984.

The Democratic presidential candidates agreed to boycott the Vermont primary, but Vermont's State Democratic Party could not move the state-run event back into the window and Gardner remained intransigent.

In October 1983, the DNC's Compliance Review Commission found New Hampshire's plan in non-compliance. The DNC threatened to run a Party-run process to allocate delegates, in place of the New Hampshire primary, and intense negotiations ensued. That same month the New Hampshire State Party obtained a letter from the presidential candidates urging the DNC to back down. In December 1983, then-DNC Treasurer Paul Kirk, charged by DNC Chairman Chuck Manatt to resolve the situation, recommended that the DNC not try to unseat the New Hampshire delegation or impose sanctions on the state because the State Party had made every effort to deal with its state officials. The recommendation was ultimately accepted and neither the New Hampshire nor Iowa delegations were challenged at the 1984 Convention in San Francisco, even though the dates of both events were held in advance of the exceptions provided by the rule.

In addition to the changes in timing, the 1984 rules created a special category of automatic unpledged party leaders and elected official delegates to increase the role for party leaders and elected officials at the National Convention. This group included all State Party chairs and vice chairs, 60% of the U.S. House Democratic Caucus and Senate Democratic Conference and other party leaders and elected officials, with special preference given to governors and big city mayors. These automatic unpledged delegates, who made up approximately 14% of the total convention delegates, were not required to pledge to a candidate.

## 1988 Cycle

The rules for 1988 were developed by the Fairness Commission chaired by Don Fowler. Rule 10.A. of the 1988 Rules provided for the window to open the second Tuesday in March (March 8, 1988). The rules also provided exceptions for four states to hold contests before the March 8 opening of the window with Iowa permitted to go 22 days in advance the window on February 15; New Hampshire two weeks before the window on February 23; Maine caucuses nine days in advance on February 28; and Wyoming caucuses four days before the window on March 4.

As in past cycles, the National Party faced another issue surrounding the timing of events, this time because of South Dakota whose Republican-controlled legislature scheduled a primary for February 23. The Compliance Assistance Commission threatened to hold the state's plan in non-compliance, and after much negotiation, the South Dakota State Party agreed to treat the primary as a non-binding beauty contest and to hold a separate binding caucus on March 12, within the window. However, the state-run primary was still binding for the Republicans, leading New Hampshire to move its primary to February 16 and Iowa to move its caucus to February 8. Although these dates violated the window, no effort was made to challenge Iowa or New Hampshire's delegations or impose sanctions.

The rules for 1988 also increased the number of automatic unpledged delegates to include all members of the DNC, 80% of the U.S. House Democratic Caucus and Senate Democratic Conference, all Democratic

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<sup>16</sup> Iowa Code §43.4 as amended by Acts of 1983 Chapter 138

governors, and former Democratic Presidents, Vice Presidents, House Speakers and Senate Majority Leaders.

### 1992 Cycle

The 1992 Delegate Selection Rules moved the opening of the window one week to the first Tuesday in March (March 3), and provided for exemptions for Iowa to hold its caucuses on February 17 and for New Hampshire to hold its primary on February 25. Again, based on the timing of the February 25 South Dakota primary, Iowa's caucuses actually took place on February 10 and the New Hampshire primary was on February 18. As was the case in the prior two cycles, there were no challenges to Iowa and New Hampshire and no effort to impose sanctions upon them.

Additionally, the 1992 Rules created a new category of automatic unpledged delegates to accommodate other elected officials and party leaders. These delegates were known as add-on delegates. Each state was allocated one add-on delegate for every four DNC member delegate votes.

### 1996 Cycle

The 1996 Delegate Selection Rules provided for a window identical to that of the 1992 Rules, with the window for the cycle opening March 5, and in the pre-window period, Iowa allowed to go on February 19 and New Hampshire on February 27.

In preparation for the 1996 nominating cycle, two states had taken legislative action to challenge the first-in-the-nation New Hampshire primary date. Arizona passed a law establishing a presidential primary on the date of the earliest primary in any other state; and Delaware passed a law establishing a primary to be held on the first Saturday after the New Hampshire primary.

Ultimately, under pressure from the 1996 GOP presidential candidates, then Arizona Republican Governor Fife Symington had the law repealed. As a result, the Arizona State Democratic Party conducted a presidential caucus in March.

In the meantime, Delaware challenged the first-in-the-nation New Hampshire primary date. Because the wording of the New Hampshire statute was unclear about the length of time between the New Hampshire primary and any subsequent primary, the legislature enacted a new law explicitly providing that New Hampshire's primary must go seven days before any similar contest.<sup>17</sup> As the result of pressure from New Hampshire, most of the GOP candidates agreed to boycott the Delaware primary. The DNC RBC held the Delaware delegate selection plan in non-compliance. New Hampshire Secretary of State Gardner threatened to move the New Hampshire primary back to January. Like the Republican candidates, the Clinton-Gore campaign decided to boycott the Delaware primary. In response to the candidate non-participation, Delaware passed a law automatically putting the names of all recognized candidates on the ballot ensuring that candidate's names would appear on the primary ballot regardless of candidate desire.

In the end, most of the candidates and the media ignored the Delaware primary, which was held on February 24. Following the primary outside of the window, the Delaware Democratic Party resubmitted a delegate selection plan and held an alternative caucus process within the window to formally allocate delegates.

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<sup>17</sup> H.B. 333, amending New Hampshire Rev. Stat. §653:9

The 1996 Rules also expanded the automatic unpledged delegate category to all Democrats in the U.S. House and Senate, the Democratic President and Vice President, and former Chairs of the DNC. At this point automatic unpledged delegates accounted for roughly 18% of Convention delegates.

## 2000 Cycle

The 2000 Delegate Selection Rules maintained the same window that existed in 1992 and 1996, with the window opening the first Tuesday in March (March 7) and specific exceptions again provided for Iowa, which was allowed to go outside the window but no earlier than February 21, and New Hampshire which was allowed to go outside the window but no earlier than February 29.

This time, however, the Republicans had instituted their own window for the first time, a window beginning on the first Tuesday of February. The 2000 Republican rule did not provide exceptions for Iowa and New Hampshire. All states were required under the Republican rules to hold contests after the window opened on February 1.

In response to the new Republican window, Republican State Parties in Arizona, Delaware, Michigan, South Carolina and Washington scheduled state-government run primaries or Party-run events in February. This prompted the Democratic State Parties in those five states to petition the DNC for permission to hold their events on the same date as their state Republican counterparts. In reaction to these events, Iowa and New Hampshire moved their respective contests to January 24 and February 1, well in advance of the exemptions provided by the DNC's rules. The Arizona, Delaware and Washington State Democratic Parties argued that since their state governments were financing and administering presidential primaries, that they should be able to take advantage of those contests rather than being forced to hold separate Democratic-only events inside the window. All five State Democratic Parties maintained that in an effort not to confuse voters they should be allowed to go in February on the dates already set by their states. Furthermore, the five State Democratic Parties insisted that since Iowa and New Hampshire were enjoying additional leeway and time from the exemptions provided by the rules, it was only fair for the DNC to allow them to hold events outside the window too. Ultimately, the DNC RBC maintained the March 7 start date for all contests except Iowa and New Hampshire and the five State Democratic Parties were forced to hold separate Democratic-only contests within the window to allocate delegates.

This decision led to several results. For a five week period, from the February 1<sup>st</sup> New Hampshire primary until the March 7<sup>th</sup> Super Tuesday events, media attention focused solely on the state contests on the GOP side with little or no attention paid to the Democratic race between Vice President Gore and Senator Bradley. Additionally, the five State Democratic Parties were put at a strategic disadvantage with their state Republican counterparts because Democrats had to expend Party resources on conducting and administering Party-run events while Republicans held taxpayer funded primaries in February. Lastly voter turnout in the five State Party run events was considerably lower than it should have been because many voters were confused by the separate events held on different dates. In light of these circumstances State Parties involved complained bitterly. In response, before the first vote was even cast in the 2000 nominating process, then DNC Chairman Joe Andrew instructed the DNC RBC to undertake an examination of the scheduling of future primaries and caucuses and develop recommendations for the 2004 nominating calendar.

## 2004 Cycle

In 2001, then Chairman Terry McAuliffe asked the DNC to adopt 2004 Delegate Selection Rules that moved the beginning of the window to the first Tuesday in February (February 3). This was the same date that the Republican window opened. Once again, the 2004 rules provided specific exceptions for Iowa to hold its caucuses on January 19, 15 days in advance of the opening of the window, and for New Hampshire to hold its primary on January 27, seven days before the opening of the window. The window opened on February 3 and featured events in seven states - Arizona, Delaware, Missouri, and Oklahoma (state government run primaries), and New Mexico, North Dakota and South Carolina (caucuses or Party-run primaries). With both parties' windows synchronized, 17 states moved contests into February 2004.

## 2008 Cycle

The 2004 Democratic Convention established the Commission on Presidential Nomination Timing and Scheduling chaired by Congressman David Price (NC) and former Secretary of Labor Alexis Herman, and known as the Price-Herman Commission. The Price-Herman Commission was mandated to study the timing of presidential primaries and caucuses and develop appropriate recommendations to the DNC for the 2008 nominating process.

The questions considered by the Price-Herman Commission with respect to the pre-window period, initially, were whether any contests should be permitted within that period; if so, whether the Iowa caucus and New Hampshire primary should be designated in the rules; whether other state contests should be allowed to take place within that period; and, if so, how many and when.

In balancing these considerations, the Commission considered a number of alternatives.

In the end, a majority of Commission members favored an approach that would preserve the first in the nation status of Iowa and New Hampshire but address the diversity, representation and participation issues in a meaningful way by including other states in the pre-window period, in a schedule in which they would play an important role alongside Iowa and New Hampshire.

After hearing presentations from a number of states interested in holding a primary or caucus in the pre-window period, the RBC selected Nevada to hold a caucus on January 19 and South Carolina to hold a primary on January 29. The Iowa caucus would be held on January 14 and the New Hampshire primary would be held on January 22.

In 2008, the state legislatures in Florida and Michigan passed legislation moving their primaries into the pre-window period, with Florida moving its primary to January 29 and Michigan moving its primary to January 15. As a result, Iowa moved its caucus to January 3; New Hampshire moved its primary to January 8; and South Carolina moved its primary to January 26. Florida and Michigan were stripped of all delegates by the RBC.

In May 2008, the RBC met to reconsider Florida and Michigan; at that time the RBC ruled that all delegates from Florida and Michigan be seated, but each delegate would cast only one-half vote. Florida's delegate allocation would be based on the results of the January 29th primary. Michigan's delegate allocation would be based on a compromise determined by the RBC, in light of the fact that all candidates did not appear on the ballot. Eventually, at the Democratic Convention, Florida and Michigan delegate votes were fully reinstated.

For 2008, the window opened for all states on February 5. Twenty-three states held their primaries or caucuses on the opening day of the window. By February 19, 56% of the pledged delegates had been allocated according to the votes in these contest.

Also included in the Rules for 2008, was a bonus system meant to encourage state parties to schedule their events later in the process, or at least discourage them from moving earlier than they were in 2000 or 2004. The calendar was divided into three Stages. This was an effort to prevent frontloading of the process. Bonuses were awarded for staying put, or for moving to a later date.

Stage 1 –February 5 through March 31: No Bonus

Stage 2 – April 1 through April 30: 5% Bonus for Staying in Stage 2; 15% Bonus for Moving Back to Stage 2 from Stage 1

Stage 3 – May 1 through June 10: 10% Bonus for Staying in Stage 3; 30% Bonus for Moving Back to Stage 3 from Stage 1 or Stage 2

During the 2008 nominating process the delegate count between the two remaining candidates was so close that it was possible that Hillary Clinton and Barack Obama might go all the way to the Convention neck-and-neck in delegates. As a result, without the necessary number of delegates to obtain the nomination, the role of unpledged delegates became highly scrutinized. Voters became concerned that these unpledged delegates would overturn the will of the people.

## Republican Rules on Timing

Traditionally, due to the differences in the distribution of authority to establish Party rules, it has been difficult for the DNC and RNC to work together to establish a calendar for presidential primaries and caucuses. Under the Republican Party charter, only the Republican National Convention has the authority to establish and amend the rules of the Republican Party. The delegate selection rules for each presidential election cycle are effectively set at the previous Republican convention, thus leaving the RNC with no flexibility to change its rules between conventions.

However, the 2008 Republican Convention established a Temporary Delegate Selection Committee to review the timing of presidential primaries and caucuses for 2012. This provides a rare opportunity for the two national party committees to work together to create a primary and caucus calendar. Under its mandate, this Temporary Delegate Selection Committee can make recommendations to the full RNC for changes to the Republican Party's rule on timing (Rule 15(b)).

Also, when the 2008 Republican Convention in Minneapolis adopted its rule on the timing of presidential primaries in 2012, the rule (Republican Rule 15(b)) maintained the opening date for states to hold primaries and caucuses as the first Tuesday in February. However, for the first time, the rule also provided an exception for New Hampshire and South Carolina to hold their primaries on or after the third Tuesday in January in 2012.

The Temporary Delegate Selection Committee's recommendations must be voted on by the full RNC without amendment and pass by a 2/3rds vote at the 2010 summer RNC meeting. DNC Chairman Gov. Tim Kaine and Chairman Steele have established a dialogue on the issue of timing and the DNC staff continues to monitor the progress of the Temporary Delegate Selection Committee.



# Commission Meeting Summaries

The mandate of the Democratic Change Commission is to study the timing of Democratic presidential primaries and caucuses; consider and make recommendations for revisions to the Delegate Selection Rules for the 2012 Democratic National Convention to significantly reduce the number of unpledged party leaders and elected official delegates to the Convention; and review the caucus system and make recommendations to ensure that the caucuses maximize the opportunity for full participation by Democratic voters and are adequately planned, organized and staffed. In order to achieve these goals, the Commission held a series of meetings to study the process.

## June 27, 2009 Meeting

The Democratic Change Commission began its formal work and review with its June 27 meeting at the Capital Hilton Hotel in Washington, D.C. The intended goal was to familiarize Commission members with the broad issues associated with developing a presidential primary and caucus schedule, the role of automatic unpledged delegates in the nominating process, and the organization and importance of caucuses to the nominating process.

The Commission heard presentations from five individuals, each with a difference expertise and perspective on the Party's nominating process.

**Rhodes Cook**, editor of the Rhodes Cook Letter, was the first speaker at the Commission proceedings. Mr. Cook worked as a political writer for the Congressional Quarterly for 25 years where he covered both presidential and congressional elections, with a particular emphasis on the presidential nominating process, and voting trends in general. Since his retirement from Congressional Quarterly in 1997, Mr. Cook has authored the Rhodes Cook Letter, a bimonthly political newsletter.

Mr. Cook was invited to present a history of the modern day Democratic Presidential nominations from 1976 – 2008. Mr. Cook discussed how the nominating process has evolved over the years, steadily moving from a process that was more tightly controlled by party leaders to a system that is increasingly democratic with more input from the voters. Mr. Cook explained that conventions were the prime method of nominating candidates for 150 years, but that during the early 20<sup>th</sup> century there was a sense that it was time for more direct voter involvement, which came in the form of presidential primaries, which first appeared in 1912. However, generally no more than 15 states held a primary in any year, up through 1968. After the 1968 Democratic National Convention in Chicago, a Rules Reform Commission (the McGovern-Fraser Commission), was appointed to overhaul the nominating process to make it more democratic. Mr. Cook said that the McGovern-Fraser Commission created a process that had more primaries, was more open and changed from a variety of delegate allocation methods to a strict proportional system, which became stricter as the years went by.

The second presentation at the June 27 meeting was by **Elaine C. Kamarck**, who has more than three decades experience and involvement with the presidential nominating process. Dr. Kamarck is a former senior White House policy advisor, author, researcher and lecturer in public policy at Harvard University's Kennedy School of Government. She has held staff positions on several presidential campaigns and at the DNC. Since 1997, Dr. Kamarck has served as an At-Large member of the DNC and as a member of the DNC RBC.

Dr. Kamarck was invited to discuss the role that unpledged delegates have played in the nominating process. Dr. Kamarck pointed out that up until 1968, the Democratic Party nominated presidential candidates by conventions that were composed exclusively of party leaders. She explained that the McGovern-Fraser Commission's mandate that the nominating system be open to anyone who wished to be known as a Democrat fundamentally changed the mindset from a nominating system that had been controlled by party leaders and party members to one that was completely open to the public. This change caused a lot of states to move from what had been essentially caucus-convention systems to primaries. As a result of this, Members of Congress and other elected officials who had previously been appointed to be convention delegates were forced to run against their constituents for delegate positions. Consequently, the number of party leaders and elected officials at the conventions dropped drastically. In 1982, the Hunt Commission decided that it was important to have party leaders play a role in the conventions. The original proposal was to have 30% of the convention delegates be unpledged party leaders and elected officials, but there was concern that this would create a problem with the gender balance between men and women. A compromise, whereby 60% of the Democratic Members of Congress would be elected delegates by the House Caucus and Senate Conference, reduced the number of unpledged delegates to around 14%. Eventually the number of unpledged delegates grew – all members of the Democratic National Committee, Governors, former party leaders and all Members of Congress were added. According to Dr. Kamarck, after 1984, no one paid much attention to the unpledged delegates until 2008, when the delegate count in the primaries and caucuses was extremely close and it appeared that two candidates could go all the way to the Convention without a clear winner. Because of this, the unpledged delegates became an issue. The public did not like the idea of these unpledged delegates because they felt that these unpledged delegates could overturn the will of the voters. Dr. Kamarck believes we are now at a point where we could probably eliminate unpledged delegates because the role they played in an earlier era has been supplanted by a very public process.

The third presentation at the June 27 meeting, by **Melanie Springer**, was on the interests and goals of the Party, the candidates and voters in the delegate selection process. Dr. Springer is a political science professor at Washington University in St. Louis. Her primary areas of interest are elections and voting behavior, American political development, political institutions and political development.

Dr. Springer pointed out that over time it has become apparent that the scheduling of primaries really matters and that this realization has led to frontloading. Dr. Springer said that since the 1980s, primary scheduling has become a game, with states vying for increased influence in the process. She said the evolution of frontloading began, in earnest, with the first Southern regional primary, labeled “Super Tuesday” on the second Tuesday in March 1984. This first Super Tuesday involved a total of nine states – five primaries and four caucuses. In 1988, 21 states held primaries or caucuses on Super Tuesday. According to Dr. Springer, by 1996 the nominating system had evolved, through frontloading, into somewhat of a national primary. Dr. Springer noted that the state control of primaries is one of the key reasons frontloading has occurred. She believes states feel that their own self-interest is served by moving their dates closer to the opening of the window. According to Dr. Springer, the rationale for frontloading, from the states' perspective, is that unless a state's voters choose a candidate early enough in the process, before one candidate gets a majority of the delegates, the State's votes are not consequential in the decision-making process. She pointed out that the sequential voting in the primary season allows voters to know how others have voted before they make their choices. However, Dr. Springer noted, the 2008 primary elections taught us that going later can also have its benefits.

Next, DNC Party Affairs and Delegate Selection Director **Patrice Taylor** discussed issues facing the Commission as they address frontloading of the calendar. The Resolution establishing the Change Commission mandates that the opening of the window in 2012 be moved from the first Tuesday in February to the first Tuesday in March and that the pre-window open on February 1. Ms. Taylor pointed out that 20 states have laws on the books that set the primary date in February, which presents a challenge

for the Commission. Ms. Taylor also noted that the Commission should consider methods of encouraging states to move their primaries and caucuses back later in the process and examine methods of enforcing the Party's rules on timing of primaries and caucuses.

The final presentation of the day was by **Mitch Stewart**, director of Organizing for America, who worked caucuses in Iowa, Nevada, Minnesota, North Dakota and Texas for the Obama campaign. Mr. Stewart gave an overview of what actually occurs at a caucus. He also pointed out the benefits of caucuses, explaining that a caucus is an excellent party-building exercise that brings people together and forges relationships.

## October 24, 2009 Meeting

The Commission's second meeting was held Saturday, October 24, at the Capitol Hilton in Washington, D.C. This meeting allowed Commission members to hear from interested parties with an expertise in those areas under consideration by the Commission. Also, at this meeting Commission members began reviewing options on the subject areas under its purview.

**Curtis Gans**, Director of the Center for the Study of the American Electorate, and one of the preeminent experts on voter turnout and participation, offered his perspective on the primary schedule at the October meeting. Mr. Gans suggested a primary system that starts in March; leads with individual, smaller, diverse primaries and moves on to other primaries, making sure the individual primaries are diverse by region and ethnic origins.

He also stressed that we need a system that gives us the maximum flexibility, enables all candidate to participate and enables the party to have full scrutiny. Mr. Gans expressed concern about a regional primary system because it would be possible to end up with different candidates for each region rather than a national candidate.

Commission member **Dan Blue**, a member of the North Carolina Senate, talked about the 2008 North Carolina primary, which was held on May 6. Mr. Blue first told the Commission members that in 1988 North Carolina moved their primary up to March and found that this took away the momentum leading into the general election that had historically been present in North Carolina because of the late primary. Mr. Blue feels that many North Carolina Democrats lost their races because of this loss of momentum. Since then, North Carolina has held the presidential primary, along with statewide and local primaries, in May. Mr. Blue said that North Carolina resisted pressure in 2008 to move their primary earlier and, for the first time in a generation, became a major player in the process. Mr. Blue pointed out that going late also gave North Carolina Democrats an opportunity to train their volunteers in neighboring states, such as South Carolina and Virginia, which had earlier primaries. Mr. Blue assured the Commission members that having a late primary has its benefits.

Commission member **Jennifer McClellan**, a member of the Virginia House of Delegates and Vice-Chair of the Democratic Party of Virginia, shared Virginia's experiences participating in a regional primary. Ms. McClellan explained that Virginia, Maryland and the District of Columbia all moved their primaries to February 12, 2008, creating the Potomac Primary. Since Northern Virginia, parts of Maryland and the District of Columbia are the same media market, it is much more economical for candidates to advertise. Ms. McClellan also pointed out that the candidates came into the region to campaign, which helped motivate the voters and volunteers.

The next presentation was by **Don Fowler**, former chair of the DNC and the South Carolina Democratic Party. Mr. Fowler discussed the role of automatic unpledged delegates in the nominating process. Mr. Fowler explained while he is an advocate for and defender of automatic unpledged delegates, he feels that the number and percentage of these delegates has grown too large and needs to be reduced. He urged the Commission members to focus on the idea that these delegates were created for a reason other than to affect the selection of the presidential candidate. Mr. Fowler believes there could be potential ethical and organizational problems that could develop where the presence, wisdom and counsel of the automatic unpledged delegates would be needed. Mr. Fowler recommends that the Commission find a way to reduce the number of automatic unpledged delegates rather than eliminating them.

Commission member **Larry Gates**, Kansas Democratic Party chair, shared his experiences with the Kansas caucuses. Mr. Gates pointed out that the Kansas Democratic Party picked up 25,000 new email addresses and 8,000 new volunteers on the night of the 2008 caucuses. Mr. Gates suggested that the Change Commission recommend that the DNC provide some post-caucus training so that those people running caucuses can get together to discuss what went well and what didn't go well with their caucuses. He also urged that people with experience in running caucuses work together to create a best practices list for caucus states.

# Findings and Recommendations

## Timing of the 2012 Presidential Nominating Calendar

### Findings

The Resolution establishing the Commission mandates that the 2012 primary and caucus calendar open on the first Tuesday in March and that the pre-window open on February 1. The Commission was charged with developing methods to reduce frontloading within the window period and to review the rules for proper enforcement of the primary and caucus timing requirements and delegate allocation matters.<sup>18</sup> The Commission examined and discussed a number of different scenarios and alternatives relative to these issues.

There was a consensus among the members that the goal of the nominating process should be to produce the best and strongest Democratic presidential nominee. That goal is best achieved by devising a system that gives Democratic candidates an opportunity to present themselves and their views to a broad range of voters. It must also allow voters an opportunity to see, hear and question the candidates and measure them against one another.

With respect to these issues, the Commission found that:

- Primaries and caucuses began too early in 2008 and that something has to be done to change this in the future. Don Fowler stated during his testimony that he believes “the process is too long and the more you move it closer to the convention and the election itself, I think you serve the interests of the party better and the interests of the political system.”<sup>19</sup>
- There was considerable concern about the issue of frontloading. In 2008, 23 states held their primaries or caucuses on February 5, the opening day of the window. The 2008 Delegate Selection Rules established a bonus incentive to encourage states to hold their nominating events later in the season. However, this did not achieve the hoped-for results, with only 10 states earning a total of 54 bonus delegates.
- There was support for encouraging regional or sub-regional clusters of primaries and caucuses that would be held throughout the primary and caucus season. Testimony on regional clustering that occurred during 2008, such as the Potomac Primary held in Maryland, Virginia and the District of Columbia, indicated strong political and public acceptance of the benefits of this approach. Commission member David Plouffe stressed the importance of spacing these primaries and caucuses so that candidates have more time to spend in each cluster. There was a general consensus among the Commission members that state party decisions to cluster their primaries and caucuses should be encouraged, but voluntary.

There was discussion of offering bonus delegates and other incentives, such as additional convention credentials or preferred convention seating or hotel assignments, to those states clustering their primaries or caucuses (as was provided in the 2008 rules for states holding contests later in the season).

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<sup>18</sup> Resolution establishing the Democratic Change Commission as adopted by the Democratic National Convention on August 25, 2008 – text of resolution in the Appendix

<sup>19</sup> Don Fowler testimony at October 24 Democratic Change Commission meeting

## **Recommendations**

Accordingly, the Commission recommends for 2012:

- The pre-window events (*i.e.*, Iowa, Nevada, New Hampshire and South Carolina) should be held no earlier than February 1<sup>st</sup> and the window for all other states should open on the first Tuesday in March.
- States are encouraged to cluster their contests by region or sub-region. This would not be a mandatory obligation upon the State Parties. The Commission recommends that these clusters be staggered throughout the window to allow for a deliberative process that benefits all voters and caucus-goers throughout the country. The RBC and the DNC would coordinate with state parties, state legislatures and Governors to move the dates of their contests into regional clusters.
- This approach should be encouraged by offering incentives, specifically bonus delegates, preferred convention seating and/or preferred convention hotels, to those states which opt to participate in these regional clusters.
- Under this approach, the Change Commission would encourage the RBC to review the enforcement measures that are currently in place and make any necessary adjustments to ensure proper enforcement of the Party's rules.
- The Commission recommends that the Democratic Party coordinate, to the extent feasible, with the Republican Party to facilitate the new timing for the window and to minimize the front loading of the contests within the window.
- Adopting these recommendations during the 2012 election cycle would allow the Party by using this special opportunity of 1) a relatively rare cycle of no apparent Democratic presidential nomination challenge, and 2) an RNC empowered for the first time by the Republican National Convention to recommend nominating rules changes between national conventions.

## **Reducing Unpledged Delegates**

### **Findings**

In 2008, unpledged delegates played a significant role in the nominating process. Unpledged delegates constituted 19% of the total convention and the presidential candidates were compelled to spend a substantial amount of candidate time and other resources to seek the support of these automatic delegates. We learned that in a closely contested presidential race, the nomination could be decided by this category of delegates.

The Resolution establishing the Commission mandates that there be “significant reduction” in the number of unpledged delegates to reduce the chance that a nomination could possibly be in contravention of the wishes of our voters and caucus goers.<sup>20</sup>

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<sup>20</sup> Resolution establishing the Democratic Change Commission as adopted by the Democratic National Convention on August 25, 2008 – text of resolution in the Appendix

The DNC must address the perception that there are too many unpledged delegates and those delegates could potentially overturn the will of the people, as determined by the state contests. It is critical that significant changes be made in the number of unpledged delegates to ensure a visible reduction in the role unpledged delegates play in the nominating process.

The unpledged delegates cover a wide range of elected officials and local Democratic activists. Commission members felt it critical to keep these party leaders involved in the process. Any reduction to the number of unpledged delegates must continue to provide participation in the convention, and also during the primary process in their own states. Several Commission members mentioned the importance of retaining unpledged status for unpledged delegates who often act as gatekeepers and impartial referees in the nomination process, so they can maintain a neutral status in their state's process.

Given the enhanced level of public participation in our primaries and caucuses, as exemplified by the expanded turnout for our 2008 contests, it is now time to significantly reduce the role of automatic, unpledged delegates in our nominating process.

## **Recommendations**

Accordingly, the Commission recommends:

- The category of unpledged add-on delegates will no longer be allocated and automatic voting status for all remaining categories of unpledged delegates (DNC members, Democratic Members of the House and Senate, Democratic Governors and Distinguished Former Party Leaders) be retained in a new category of pledged delegates each with a full vote at the National Convention.
- Under this new category, these pledged delegates would be called National Pledged Party Leader and Elected Official (NPLEO) delegates. Each state would be allocated NPLEO slots equal to the number of current DNC members, Democratic members of the House and Senate, Democratic Governors and Distinguished Former Party and Elected Leaders from their state.
- NPLEO delegate slots would be allocated to the presidential candidates based on the state wide primary or caucus results, which is the same manner by which at-large delegates are allocated.
- Members of the NPLEO Categories shall automatically serve as a NPLEO delegate by submitting a statement of candidacy and presidential pledge of support to the State Democratic Party by a date certain.
- Any member of the NPLEO Delegate Categories who does not wish to apply or pledge for a NPLEO Delegate position shall have the automatic right to serve as a Non-Voting Delegate to the National Convention with all the privileges associated with being a member of the state delegation to the National Convention, except for voting on the floor of the National Convention. These Non-Voting Delegate privileges include floor credentials and housing in the same manner as is provided for their state's delegation.
- The DNC Rules and Bylaws Committee shall specify the procedures for the members of the NPLEO Delegate Categories to apply for and pledge their delegate vote, and for other matters in connection with the selection of the NPLEO Delegates, including but not limited to the filling of vacancies.

## Caucuses

With the high level of excitement surrounding the 2008 Democratic Presidential nomination, states saw an unprecedented level of participation in their primaries and caucuses. While this is great for the party overall, it created unforeseen problems in some caucus states.

### Findings

The Democratic Change Commission was mandated to make appropriate recommendations for new criteria that will ensure caucuses are adequately planned, organized and staffed; take place at times and locations to maximize participation; use appropriate balloting measures; and provide candidates with lists of elected delegates for the upper tiers of the caucuses and an opportunity to communicate with those delegates before upcoming caucus tiers. Additionally, the Commission is to consider ways that caucuses can be organized to encourage the maximum ability of Democratic caucus-goers to participate, including in particular making absentee participation available in caucuses.

With respect to these issues, the Commission found that:

- There is a participation barrier in caucuses which limits the ability of the elderly, shift workers, students, members of the military and others with certain hindrances on their ability to take part in the process. For those who are unable to attend the meeting during which the caucus is held, there is currently no way to cast a ballot. Some Commission members expressed interest in exploring methods for these groups of people to participate whether it be by absentee ballot, proxy voting, or another unexplored method, provided that the collaborative participation aspect of the caucus system be respected to enable party building and community involvement.
- States have varying levels of experience with running caucuses. Some states have recently switched to caucus systems because of the inability to obtain state funding for a primary, while other states have held caucuses as a matter of preference for a long period of time. The Commission agreed that states of all levels of experience could benefit from peer group collaboration where experienced caucus states could share their expertise with other states.
- The Commission discussed the fact that there are various ways caucus systems are being used in the Democratic nomination process. It is important to remember the diversity of the caucus process being used across the country, and that the rules in a state may be set by tradition, state law, or party requirement.
- The Commission found that in order to have a successful caucus process from beginning to end, it is critical that there be adequate preparation for all stages of the caucus process. This preparation includes everything from appropriate site selection to caucus participant education. After the caucus meetings, there needs to be timely reporting of not only the numerical results, but also the names of delegates elected to the next level of the process.

Commission members from caucus states, as well as speakers addressing the Commission, stressed that caucuses can be a great advantage to the party base. For example, the Kansas Democratic Party acquired 25,000 new email addresses, 8,000 new volunteers and several strong new candidates for office because of the tremendous participation in its 2008 caucuses.<sup>21</sup> Many states are able to use these events not only

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<sup>21</sup> Larry Gates testimony at October 24 Democratic Change Commission meeting



to select a nominee for President, but also as a party building exercise and a way to begin to organize the state for the general election. Commission members stressed the importance of giving the Democratic National Committee and the Rules and Bylaws Committee oversight of these caucus processes so that certain benchmarks are met in the organization and preparations of each step of a caucus process. The Commission also stressed, however, that this oversight serve to help state parties plan and run their caucuses, and not place onerous restrictions or cost increases on states.

## **Recommendations**

In balancing these considerations, the Commission considered the development of a set of “Best Practices,” which would provide guidelines to be used by caucus states in implementing their delegate selection processes. These “Best Practices” would provide certain benchmarks that are important in the planning and facilitation of caucuses. The RBC could establish a committee of caucus state representatives to provide a peer-to-peer system of advising state parties and the RBC on these “Best Practices.”

Accordingly, the Commission recommends for the 2012 nominating process:

- A set of “Best Practices” should be adopted to provide caucus states with a set of benchmarks to achieve leading up their caucuses. States will be required to periodically show that they have met, or are working toward meeting, these benchmarks.
- The Rules and Bylaws Committee will oversee these state submissions and ensure that states are making adequate progress. They may require additional submissions from caucus states that are slow to meet benchmarks.
- The “Best Practices” will take into consideration the fact that there are very different types of caucuses being utilized within the party, as well as the fact that some state parties have limited resources with which to work.

The Commission wishes to emphasize openness and the ability for as many Democrats to take part in the caucus process as possible while still honoring the spirit of caucuses as an institution and an in-person party building tool. Appropriate locations, staffing, and planning will be necessary. Equally important will be efforts to educate caucus participants as to the way the process works ahead of time, especially those who may have been underrepresented in the past or are new to the process entirely.



# Appendix



# DEMOCRATIC CHANGE COMMISSION

(Appointments by DNC Chairman Governor Tim Kaine)

## CO-CHAIRS

**Congressman James E. Clyburn**  
Columbia, South Carolina

**Senator Claire McCaskill**  
St. Louis, Missouri

## MEMBERS

**Grassroots Activist  
Jeremy Alters**  
Miami, Florida

**Political Strategist Jeff Berman**  
Washington, DC

**Grassroots Activist Ashley Bliss**  
Atlanta, Georgia

**State Representative Dan Blue**  
Raleigh, North Carolina

**Political Strategist Bill Carrick**  
Los Angeles, California

**Mayor Michael Coleman**  
Columbus, Ohio

**Political Strategist Jeff Forbes**  
Washington, DC

**Grassroots Activist Joan Garry**  
Montclair, New Jersey

**State Chair Larry Gates**  
Overland Park, Kansas

**School Board Member  
Adelita Grijalva**  
Tucson, Arizona

**Professor Robert Hampshire**  
Pittsburgh, Pennsylvania

**Former State Chair Ned Helms**  
Concord, New Hampshire

**Former Labor Secretary  
Alexis Herman**  
McLean, Virginia

**IBT President James Hoffa**  
Detroit, Michigan

**Grassroots Activist  
Roseanne Hope**  
Minneapolis, Minnesota

**State Senator Steven Horsford**  
Las Vegas, Nevada

**Grassroots Activist Suzie LeVine**  
Seattle, Washington

**UAW CAP Director Dick Long**  
Detroit, Michigan

**Grassroots Activist Andres Lopez**  
San Juan, Puerto Rico

**Former Attorney General  
Patricia Madrid**  
Albuquerque, New Mexico

**DNC Member Debbie Marquez**  
Edwards, Colorado

**State Senator Iris Martinez**  
Chicago, Illinois

**Delegate Jennifer McClellan**  
Richmond, Virginia

**Secretary of State Linda McCulloch**  
Helena, Montana

**Attorney General Tom Miller**  
Des Moines, Iowa

**DNC Member Minyon Moore**  
Washington, DC

**Grassroots Activist Sunah Park**  
Philadelphia, Pennsylvania

**Campaign Manager David Plouffe**  
Washington, DC

**Grassroots Activist  
Rebecca Prozan**  
San Francisco, California

**DNC Member James Roosevelt, Jr**  
Cambridge, Massachusetts

**Congresswoman Linda Sanchez**  
Lakewood, California

**AFT President Randi Weingarten**  
New York City, New York

**State Chair Meredith Wood Smith**  
Portland, Oregon

**Grassroots Activist Martin Yeung**  
Rapid City, South Dakota



## **Resolution Establishing the Democratic Change Commission**

*This resolution was recommended by the 2008 Convention Rules Committee at its August 23, 2008 meeting and adopted by the 2008 Democratic National Convention on August 25, 2008 in Denver, Colorado.*

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### **Section 1. Establishment of Democratic Change Commission.**

**BE IT RESOLVED:** That no later than 60 days after the date of the next election of the National Chair of the Democratic National Committee (DNC), the National Chair shall establish a commission (the “Commission”) to review the Delegate Selection Rules in light of developments during the 2008 presidential nominating cycle and to recommend changes to the Delegate Selection Rules for the 2012 Democratic National Convention, not inconsistent with these resolutions, to improve the nominating process.

**RESOLVED FURTHER:** That the Commission shall be known as the “Democratic Change Commission;” that it shall consist of 35 members and two co-chairs, all with the right to vote on Commission business, appointed by the National Chair of the DNC; that its membership shall be equally divided between men and women and shall be geographically and demographically diverse; that the DNC shall provide the Commission with adequate staff and resources to carry out its mandate in accordance with this Resolution; and that the Commission shall issue its report and recommendations to the Rules and Bylaws Committee of the DNC no later than January 1, 2010.

### **Section 2. Timing of the Primaries and Caucuses.**

**RESOLVED FURTHER:** That the Delegate Selection Rules for the 2012 Convention shall provide that no meetings, caucuses, conventions or primaries which constitute the first determining stage in the presidential nomination process (the date of the primary in primary states and the date of the first tier caucus in caucus states) shall be held prior to the first Tuesday in March of the election year, except as otherwise provided in the Delegate Selection Rules and recognizing the valuable role played by the approved pre-Window states in 2008; and provided that no such meeting, caucus, convention or primary shall in any event be held prior to February 1 of the calendar year of the National Convention; and that the Commission also shall review the sequence and scheduling of primaries and caucuses with a view towards reducing the scheduling of such events on the first allowable date that resulted in 22 primaries and caucuses being held on such date in 2008 and toward reducing frontloading within the Window period; and that the Commission shall review the rules for proper enforcement of the primary and caucus timing requirements and delegate allocation matters, particularly with respect to action by the Rules and Bylaws Committee; and that in making its recommendations, the Commission consider any revision of the Rules of the Republican Party of the United States adopted by the 2008 Republican National Convention regarding the scheduling and sequence of presidential nominating events.

### **Section 3. Delegates.**

**RESOLVED FURTHER:** That the Commission shall consider and make appropriate recommendations for revisions to the Delegate Selection Rules for the 2012 Democratic National Convention to provide for a significant reduction of the number of unpledged party leader and elected official (PLEO) delegates in order to enlarge the role and influence of primary and caucus voters in the presidential nominating process. The Commission also shall review the formulas for delegate allocation to assure that delegates

are fairly allocated to accurately reflect the will of the voters and that the right of the delegates to reflect the sentiments of those who elected them shall be secured to all delegates.

#### **Section 4. Caucuses**

**RESOLVED FURTHER:** That the Commission shall consider and recommend appropriate revisions to the Delegate Selection Rules for the 2012 Democratic National Convention to provide that:

a. the use of a caucus/convention system for any stage of the delegate selection process by any State Democratic Party shall be approved by the DNC Rules and Bylaws Committee in accordance with any new specific criteria to be set out in the Delegate Selection Rules, and which will be designed to ensure that at each stage, any caucus or convention will be adequately planned, organized, and staffed; will take place at such times and in such locations as will meet the requirements of Rule 3 of the Delegate Selection Rules and will otherwise maximize the opportunity for full participation by Democratic voters; will be run using appropriate balloting methods and, as to tiers following the first stage caucus, will utilize accurate lists of participants; and will afford the opportunity for meaningful communication of presidential candidates with their pledged caucus participants reasonably in advance of caucuses and conventions.

b. the use of a caucus/convention system for any stage of the delegate selection process should be organized in a manner that will ensure the maximum ability of Democratic voters to feasibly participate in the first-tier caucuses, including consideration of absentee voting in caucuses to benefit those who cannot attend a scheduled caucus due to military service, work, health conditions, family obligations and other similar reasons that prevent attendance in person.

#### **Section 5. Status of Resolutions**

**RESOLVED FURTHER:** That the Commission may address other matters related to the presidential nominating process and Delegate Selection Rules as may be identified by the National Chair of the Democratic National Committee, and that for the purposes of Article Ten, Section 2 of the Charter of the Democratic Party of the United States, these resolutions shall be deemed to be “otherwise designated.”



# Rules of Procedure for the Democratic Change Commission

*The following Rules of Procedure were adopted by the Democratic Change Commission at its June 27, 2009 meeting in Washington, D.C.*

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## **I. Meetings**

All meetings of the Commission shall be open to the public.

## **II. Quorum**

Fifty percent (50%) of the full membership of the Commission shall constitute a quorum.

## **III. Voting**

a) The Commission shall take action on all matters by a majority vote.

b) No secret ballot shall be permitted at any stage of the Commission's proceedings.

c) Voting shall be by voice vote, division of the house or, when prescribed by these Rules, by roll call.

d) A roll call vote shall be taken if requested by 25% of the members present.

e) Proxy Voting: As the Commission is a deliberative body, proxy voting by Commission members shall not be permitted.

## **IV. Co-Chairs**

a) It shall be the responsibility of the Co-Chairs to:

i) prepare an agenda for the orderly conduct of the Commission's business;

ii) call to order and preside over Commission meeting.

b) The Commission may transact business with one Co-Chair present, provided that the other Co-Chair consents to such arrangement.

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

## **V. Robert's Rules**

Except as otherwise provided in these Rules, Robert's Rules of Order, Newly Revised, shall apply.

## **VI. Suspension of Rules**

These Rules may be suspended only upon the affirmative vote of at least two-thirds (2/3) of those members voting.



## **Public Comments on the Democratic Primary Process**

*In an effort to be open and inclusive, the Democratic Change Commission provided an online component for Democratic grassroots activists from across the country to provide input on the nomination process. The following statements are a sampling of responses submitted.*

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### **TIMING**

#### **New Castle, IN**

I would like to see four maybe five regional primaries. States could be grouped to reflect broad regional similarities... Candidates would be able to better concentrate resources and time in a region instead of traveling from state to state as they do now.

#### **Cambridge, MA**

I would like primaries to be more evenly distributed, possibly in a shorter time frame and for other states to have the opportunity to be first. A rotating schedule would be nice.

#### **Arlington, VA**

Each region of the country gets their first crack at the candidates in an orderly fashion, with one region going first one presidential election year, and then another the next... rotating every four years. It helps discourage states from rushing ahead.

#### **Chambersburg, PA**

Pennsylvania debated moving its primary to February 5, but decided to stay in late April. If our primary had been in February, it wouldn't have had as much attention as it did. Because we went late, the candidates visited the state many times and were able to hear from the candidates.

#### **Washington, DC**

In 2008, we joined together with our neighboring states, Maryland and Virginia, to create a regional primary. This was very successful and the candidates spent more time here than they would have spent if each of the states went on a different date.

#### **Gastonia, NC**

Because North Carolina held our primary late, we had a longer period of time to get to know the candidates and find out where they stood on the issues.

#### **Eureka, CA**

I was interested in being a delegate from California, but because my state held its primary so early, the filing dates had passed before I had even begun to think about the 2008 election.

#### **Mobile, AL**

In 2008, Alabama moved its primary from June to February 5. Unfortunately, since so many larger states also moved to February 5, Alabama's primary was basically ignored by everyone. I think the Commission should encourage states to spread out their primaries.

**Albuquerque, NM**

I've heard talk of states out West holding all their primaries and caucuses at the same time. To me, that sounds easier so that candidates could spend their time moving around neighboring states instead of flying over them on their way across the country.

**UNPLEDGED DELEGATES**

**Nashville, TN**

I think there's a place for superdelegates, but the number has grown out of control. Maybe they could be decreased and more delegates be given to the states.

**Cambridge, MA**

I would like to see the number of superdelegates reduced and also for their votes to be worth less than delegates who directly represent the people.

**Muncie, IN**

[Superdelegates] should not be allowed to go against the will of the voters who are the cornerstone of the Democratic Party.

**Butte, MT**

Superdelegate status is important so that elected officials have a way to take part in the process and be a delegate without having to run against their supporters and activists like me!

**Youngstown, OH**

It's great to get the input of our party leaders, but I'd rather they just told us who they support and let us make up our minds for ourselves! Get rid of all the superdelegates.

**Boise, ID**

In 2008, I wish the candidates could have spent more time holding rallies and answering questions at town halls in the states. I can't help but wonder if the time they spent talking to superdelegates could've been used talking to other voters instead.

**Metairie, LA**

I wish there was a requirement for all the UN-pledged delegates to be pledged! If someone is a superdelegate because he represents a state, why can't he declare who he supports when the people of his state cast their votes?

**CAUCUSES**

**Topeka, KS**

Initially, I was very confused by the caucus process but thanks to a great volunteer who explained everything to me, I walked out of the experience excited. I had a good time and felt like I contributed.

**Seattle, WA**

[Caucuses are] often the first opportunity for a citizen to engage in politics in person. It provides a voice other than the ballot box, a chance to participate in party decisions.

**Fargo, ND**

...I can't think of a better way to get people excited about an election. Caucuses are a great way to learn about the different candidates.

**Denver, CO**

The Commission should think of ways to allow a method for absentee participation in the caucus process.

**Wayzata, MN**

Last year there were so many people who came out to caucus that we didn't have enough space. We have got to find a way to ensure these events are held somewhere that can accommodate everyone.

**Des Moines, IA**

I loved my caucus experience. My candidate didn't win my precinct or the nomination, but the excitement I got from going to my first caucus was enough to get me to volunteer all the way through the general election.

**Austin, TX**

I could not attend the caucus because I am a graduate student and I had class that night... We need a system so that people know they can participate.

**Portland, ME**

Without my caucus experience, I wouldn't be the Democratic activist I am today. At my very first caucus, I met one of my neighbors who walked me through the process and told me how to volunteer at my local campaign office. I've worked every election since.

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