



To: Interested Parties

From: Nick Ryan, RWB Executive Director

Re: Our Analysis of the Status of RNC Convention Delegates

Date: March 22, 2012

With 33 jurisdictions having voted so far, we thought this the appropriate time to discuss where we believe delegate allocations stand, where delegates have yet to be formally allocated, and where we see potential issues that may need to be resolved in Tampa. We do not see a reasonable path for any of the current candidates to clinch the nomination prior to Tampa.

So far, 697 delegates have been allocated by either state party rule or state law to particular candidates. If each candidate continues to accumulate the 918 remaining delegates that will be bound at the same rate, no candidate will reach 1,144 going into Tampa. Mitt Romney currently has 344 delegates by our count. If he continues to accumulate bound delegates at the same rate (49% of bound delegates) moving forward, he will add approximately 450 of the 918 delegates still to be bound. This would give Romney only 799 delegates going into Tampa.

States To Date

Here is our analysis of the states that have voted so far. We have also provided a summary table that includes our analysis of the status of delegate allocations, along with a comparison with what is presented in nytimes.com, cnn.com, and the Republican National Committee's website, GOP.com. This is for the states that have voted to date.

Overall, in our view, this is where the race stands with Newt Gingrich still an active candidate:

| | |
|-----------|-----|
| Santorum: | 193 |
| Romney: | 344 |
| Gingrich: | 160 |
| Paul: | 33 |

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Unbound: 411

That the number of formally uncommitted delegates equals nearly half the total number of committed delegates to date demonstrates that this race for the GOP nomination remains indeterminate, unpredictable and uncertain.

There are 2,286 delegates for the convention and 1,145 delegates remain from states that have yet to vote. For Romney's "mathematical inevitability" argument to hold, Romney would need to amass 70% of the remaining delegates in a way bound to him to secure the nomination. This is nearly impossible.

States To Come

Within the remaining jurisdictions, there are only 1,145 delegates in states yet to hold their official events. Of those delegates, only a total of 918 of them are bound, while 227 of them will remain unbound by any party rule or state law. We have attached here a chart providing a summary of this information.

Overall, in our view, this is where the race stands:

| | |
|--------------|-----|
| Santorum: | 193 |
| Romney: | 344 |
| Gingrich: | 160 |
| Paul: | 33 |
| Unbound: | 638 |
| To be Bound: | 918 |

This undermines the public claims of the Romney campaign and some in the media that Mitt Romney accumulating enough delegates to clinch the nomination pending is false and misleading.

Conclusion

Mitt Romney cannot secure this nomination in advance of the convention, and RWB Fund will be there to support Rick Santorum all the way.

We will supplement this analysis over the next few weeks as votes are cast in more states.

Please don't hesitate to contact me if I can answer questions about the process moving forward.

Iowa – 28 Delegates

Legal Obligations of Delegates: None are legally bound.

Delegate Identification: Delegates will be finalized at the State Party Convention on June 16, 2012 (although 3 RNC members are automatic delegates).

Binding of Delegates by Party Rule: Congressional District (CD) Caucuses at the State Party Convention will each choose delegates and bind them at that time as each CD Caucus determines (12 delegates, 3 per CD). The at-large delegates will be allocated in accordance with the preferences of the State Party Convention as a whole (13 delegates).

Delegate allocation: No Iowa Delegates have yet been allocated.

New Hampshire – 12 Delegates

Legal Obligations of Delegates: Delegates are bound by the results of the January 10, 2012 primary. State law, N.H. Rev. Stat. Ann. § 659:93, governs apportionment of delegates.

Delegate Identification: Candidates provided names to the Secretary of State in advance of the primary. Delegates are allocated proportionally based on the statewide primary vote with a 10% threshold requirement for a candidate's eligibility to receive delegates.

Binding of Delegates by Party Rule: State statute applies.

Delegate allocation:

| | |
|-----------------|----------------------|
| Romney: | 7 |
| Paul: | 3 |
| Unbound: | 2¹ |

¹ Formerly Huntsman delegates.

South Carolina – 25 Delegates

Legal Obligations of Delegates: None are legally bound.

Delegate Identification: District Conventions are held in April 2012 for the selection of district delegates. The State Party Convention is held May 19, 2012 for the selection of at-large delegates.

Binding of Delegates by Party Rule: Winner take all for each CD. Winner of all at-large delegates is awarded to the top statewide vote winner.

Delegate allocation:

Romney: 2

Gingrich: 23²

² At-large delegates are bound on first ballot only. District delegates bound on first ballot, and only bound on second ballot if candidate receives less than 30% of total first ballot vote.

Florida – 50 Delegates

Legal Obligations of Delegates: None are legally bound, but the State Chairman casts all votes by party rule.

Delegate Identification: Each candidate was required to submit names of delegates to the State Party Chairman one week after the primary.

Binding of Delegates by Party Rule: Because Florida was sanctioned by the RNC for holding an early primary, party rules purport to bind all at large delegates to the highest vote getter in the statewide election.

However, Republican Party Rule 15 (national party) provides that “Any presidential primary...which occurs prior to the first day of April in the year in which the national convention is held, shall provide for the allocation of delegates on a proportional basis.” With respect to internal party governance, Party Rule 15(c)(12) provides that the Rules of the National Party overrule state party rules.

RWB believes that the Newt Gingrich, Rick Santorum and Ron Paul proposed delegates have a valid and viable challenge that should be brought to the RNC Committee on Contests this summer.

Delegate allocation: (According to straight proportional formula rounded to nearest whole number)

Romney: 23

Santorum: 7

Gingrich: 16³

Paul: 4

Unbound: 0

³ Party rules are silent on what happens in this case if Gingrich is no longer a candidate. There are two options – unbind those delegates or apportion his delegates proportionate to the rest of the vote. We would propose that the proper outcome is to unbind those 16 delegates.

Nevada – 28 Delegates

Legal Obligation of Delegates: None are bound by state law, but party rules bind delegates for the first ballot at the National Convention.

Delegate Identification: The State Party Convention convenes May 5-6, 2012 to choose all 28 delegates according to the results of the February 2012 primary.

Binding of Delegates by Party Rule: Delegates are allocated on a proportional basis among candidates receiving at least 3.57% of the total vote.

Delegate allocation:

| | |
|------------------|----------------------|
| Romney: | 14 |
| Santorum: | 3 |
| Gingrich: | 6⁴ |
| Paul: | 5 |
| Unbound: | 0 |

⁴ If Gingrich is no longer a candidate, these delegates will be bound for the first ballot only.

Colorado – 36 Delegates

Legal obligations of Delegates: None are legally bound, but once a delegate pledges himself or herself, the delegate remains bound to the candidate until the candidate withdraws, releases his delegates, or is not nominated.

Delegate Identification: The precinct caucuses that met on February 7, 2012 selected delegates to the County Assemblies and District Conventions. Delegates chosen at the precinct caucuses were not required to state their presidential preference. (Current media delegate counts are *estimates* based on a proportional allocation.) Prior to the March 28 County Assemblies, the selected delegates declare their preference or state that they are unpledged. At the April 12-13 District Conventions, the District Caucuses choose 21 Delegates to the National Convention (3 from each of the 7 CDs); the participants determine whether and how presidential preference is to be applied. At the April 14 State Party Convention, 12 more delegates to the National Convention are selected; the participants determine whether and how presidential preference is to be applied. 3 RNC members are automatically delegates and they are bound to the candidate of choice.

Binding of Delegates by Party Rule: Candidates for delegate may run “unpledged.” However, if a delegate pledges himself or herself, the delegate remains pledged to that candidate unless the candidate withdraws, releases his delegates, or is not nominated.

Delegate allocation: No Colorado delegates have yet been allocated.

Minnesota – 40 Delegates

Legal Obligations of Delegates: None are legally bound.

Delegate Identification: The Precinct Caucuses that met on February 7, 2012 selected delegates to Basic Political Organizational Units (BPOU) and conducted a non-binding presidential preference poll. BPOU Conventions were held February 17-31 to select delegates to both the Congressional District Conventions and the State Party Convention. At each of the 8 District Conventions held between April 14-21, 3 Delegates to the National Convention are chosen (24 total delegates comprised of 3 delegates from each CD). At the May 4-5 State Party Convention, 13 at-large delegates are selected. Additionally, 3 RNC members are automatically delegates.

Binding of Delegates by Party Rule: Each Precinct Caucus has discretion to determine whether and to what extent presidential preference will be considered. (Current media delegate counts are *estimates* based on a proportional allocation using the results of the Presidential Preference Poll.). Similarly, BPOU Convention delegates are granted the same discretion in its selection of delegates for Congressional District Conventions and the State Party Convention. CD delegates are afforded the same discretion in their selection of National Convention delegates.

By vote of the State Convention as a whole, at-large delegates *may* be bound to a presidential candidate on the first ballot only. However, if an at-large delegate is bound, he may be released from that obligation by the presidential candidate to whom he was previously bound.

Delegate allocation: No Minnesota Delegates have yet been allocated.⁵

⁵ Should any at-large delegate be elected who is bound to a candidate, that delegate may be released from that obligation by that candidate.

Missouri – 52 Delegates

Legal Obligations of Delegates: 49 delegates will be bound on the first ballot, unless released.

Delegate Identification: CD delegates selected in April of 2012; At-large delegates selected at the State Party Convention on June 22, 2012.

Binding of Delegates by Party Rule: 3 delegates are elected from each of the 8 CDs (24 delegates total) and bound to a candidate for the first ballot at the National Convention. 25 at-large delegates are comprised of the slate of National Convention delegate candidates receiving the most votes at the State Party Convention. The 25 at-large delegates are bound to a candidate for the first ballot. 3 RNC members are automatic delegates and are not bound by party rule.

Delegate allocation: No Missouri delegates have yet been allocated.⁶

⁶ A non-binding presidential preference poll was held February 7, 2012 but this has no effect on delegate allocation.

Maine – 24 Delegates

Legal Obligations of Delegates: None are legally bound.

Delegate Identification: Delegates to the State Party Convention were elected at Municipal Caucuses from January 29 – March 3, 2012. A non-binding presidential straw poll was also conducted. (Current media delegate counts are *estimates* based on a proportional allocation using the results of the Presidential straw poll.). On May 5-6, each of Maine's two CDs convenes to elect 3 delegates for a total of 6 CD delegates. On May 6, the State Party convenes to elect 15 at-large delegates. Additionally, 3 RNC members are automatically delegates.

Binding of delegates by party rule: None of the delegates elected to the National Convention is bound to any candidate.

Delegate allocation: No Maine Delegates have yet been allocated.

Arizona – 29 Delegates

Legal Obligations of Delegates: Ariz. Rev. Stat. § 16-243 obligates delegates to use “best efforts” to vote for the candidate who received the highest number of voters. The Constitutionality and application of this law are brought into serious doubt by both *Brown v. O’Brien*, 409 U.S. 1 (1972) and *Republican State Cent. Committee v. Ripon Soc.*, 409 U.S. 1222 (1972).

Delegate Identification: The State Party Convention will be held May 12, 2012 to select delegates.

Binding of Delegates by Party Rule: Arizona statutes purport to bind all at-large delegates to the highest vote getter in the statewide election, but as noted above, this statute is of dubious constitutionality.

Republican Party Rule 15 (national party) provides that “Any presidential primary...which occurs prior to the first day of April in the year in which the national convention is held, shall provide for the allocation of delegates on a proportional basis.” With respect to internal party governance, Party Rule 15(c)(12) provides that the Rules of the National Party overrule state laws inconsistent with these rules.

RWB believes that the Newt Gingrich, Rick Santorum and Ron Paul proposed delegates have a valid and viable challenge that should be brought to the RNC Committee on Contests this summer.

Delegate allocation: (According to straight proportional formula rounded to nearest whole number)

| | |
|------------------|----------------------|
| Romney: | 14 |
| Santorum: | 8 |
| Gingrich: | 5⁷ |
| Paul: | 2 |
| Unbound: | 0 |

⁷ Party rules are silent on what happens in this case if Gingrich is no longer a candidate. There are two options – unbind those delegates or apportion his delegates proportionate to the rest of the vote. We would propose that the proper outcome is to unbind those 5 delegates.

Michigan – 30 Delegates

Legal Obligations of Delegates: Delegates are bound for the first ballot at the National Convention unless released.

Delegate Identification: Selected at District Conventions and the State Party Conventions in April and May, 2012 respectively.

Binding of Delegates by Party Rule: 2 delegates are elected from each of 14 CDs (28 delegates total). These 28 delegates are bound to the candidate receiving a majority of the vote in that CD for the first ballot at the National Convention. 2 at-large delegates are elected based on the statewide vote at the State Party Convention and allocated⁸ to candidates receiving at least 15% of the vote. These 2 at-large delegates are bound to that candidate for the first ballot at the National Convention.

RWB believes that Rick Santorum's delegates have a valid and viable challenge that should be brought to the RNC Committee on Contests this summer. The Credentials Committee of the Michigan Republican Party, after the primary was held, voted to assign the 2 at-large delegates by winner-take-all rather than proportionally as required by party rules. This violates the national party rule prohibiting changes in the delegate process after October 1, 2011. (Rule 15(c)(12)).

Delegate allocation:

Romney: 15

Santorum: 15

⁸ There has been controversy surrounding the issue of whether the Michigan Republican Party Credentials Committee vote to allocate the at-large delegates was proper.

Wyoming – 29 Delegates

Legal Obligations of Delegates: 26 are bound for first two ballots, unless released by the candidate.

Delegate Identification: County Convention delegates are selected in March of 2012. At-large delegates are selected at the State Party Convention on April 14, 2012.

Binding of Delegates by Party Rule: 12 delegates are selected at County Conventions and they are not bound to any candidate, except that party rules require them to state their preference for a candidate prior to being elected as a delegate. 14 at-large delegates are elected at the State Party Convention and they are not bound to any candidate. However, Delegates, prior to their election, are required by Party Rules to state their preferred candidate. 3 RNC members are automatically delegates and are not bound.

Delegate allocation: No Wyoming delegates have yet been allocated.

Washington – 43 Delegates

Legal Obligations of Delegates: 40 delegates will be bound by party rule for the first ballot.

Delegate Identification: Delegates to the County Caucus Conventions and Legislative District Caucuses were selected on March 3, 2012 at Precinct Caucuses. The Precinct Caucuses also held a non-binding presidential preference straw poll. (Current media Delegate counts are *estimates* based on a proportional allocation.). County Caucus Conventions and Legislative District Caucuses convene March 17 – April 21, 2012 to select delegates for the State Party Convention. The State Party Convention is held from May 30 – June 2, 2012 and the Convention meets in Congressional District Caucuses to elect 3 delegates from each of the 10 CD's (30 total delegates). 10 at-large delegates are selected by the State Party Convention as a whole. 3 RNC members are automatically delegates.

Binding of Delegates by Party Rule: Delegates who choose to indicate a preferred candidate are bound for the first ballot. However, party rules permit delegates to attend the National Convention as an 'uncommitted' delegate.⁹ The 3 RNC member delegates are not bound.

Delegate allocation: No Washington Delegates have yet been allocated.

⁹ See Washington State Republican Party Rule 37.

Alaska – 27 Delegates

Legal Obligations of Delegates: 24 delegates are bound by party rule through the second ballot and can become unbound if their pledged candidate withdraws prior to the National Convention or receives the lowest number of votes in the preceding round of voting

Delegate Identification: Delegates to the State Party Convention are apportioned at Legislative District Conventions held from March 6 – March 26, 2012 by means of a presidential preference poll. National Convention delegates are elected at the State Party Convention April 26-28, 2012. 24 National Convention delegates are apportioned by determining each candidate's support at each District Convention and then multiplying that number by the number of delegates entitled to attend the State Convention from that District. 3 RNC members are automatically delegates and are unbound.

Binding of delegates by party rule: The March 6 presidential preference poll binds National Convention delegates through the second ballot so long as that candidate is still in consideration for the nomination. After the second ballot, a delegate becomes unbound if his candidate receives the fewest votes in the preceding round. If a candidate drops out of the race prior to the State Party Convention, his delegates will be apportioned among the candidates. If a candidate exits the race after the State Convention and before the National Convention, his delegates will be deemed 'non-pledged.' 3 RNC member delegates are unbound.

Delegate allocation:

| | |
|------------------|-----------------------|
| Romney: | 8 |
| Santorum: | 7 |
| Gingrich: | 3¹⁰ |
| Paul: | 6 |
| Unbound: | 3 |

¹⁰ Party rules state that delegates bound to Gingrich would become 'non-pledged' should he exit the race prior to the National Convention. See Alaska Party Rules Article V, Section 15.

Georgia – 76 Delegates

Legal Obligations of Delegates: Delegates are bound by law until a candidate receives less than 35% of the vote, withdraws, or releases delegates. Under state law, a delegate whose pledged candidate withdraws “after being entitled to delegate votes . . . shall be an unpledged delegate to the national convention.”¹¹

Delegate Identification: District delegates are elected on April 14, 2012. At-large delegates are elected at the April 18-19, 2012 State Party Convention. 3 RNC members are automatically delegates.

Binding of delegates by party rule: The March 6, 2012 presidential preference primary binds National Convention delegates. 3 Delegates are assigned to each of the state’s 14 CDs and bound by CD vote (Majority vote winners gets 3 delegates; If no majority, the top vote winner receives 2 delegates and the second place finisher receives 1 delegate). 31 at-large delegates are bound proportionally with a 20% threshold. 3 RNC member automatic delegates are bound to winner of statewide vote.

Delegate allocation:

| | |
|------------------|------------------------|
| Romney: | 19 |
| Santorum: | 3 |
| Gingrich: | 54¹² |
| Paul: | 0 |
| Unbound: | 0 |

¹¹ Ga. Code Ann. § 21-2-197 (2011).

¹² Under Georgia state law, Ga. Code Ann. § 21-2-197, the 54 delegates bound to Gingrich would become unpledged delegates to the National Convention. Delegates also become unbound when their candidate fails to receive 35% of the vote or releases his delegates.

Idaho - 32 Delegates

Legal Obligations of Delegates: Delegates are not legally bound.

Delegate Identification: Delegate selection process begins June 21, 2012 at the State Party Convention (all candidates must submit list 30 days prior to the convention).

Binding of Delegates by Party Rule: If the winner receives a majority of Idaho's delegates, the winner receives all of Idaho's delegates. If no candidate wins a majority, delegates are allocated proportionally.

Republican Party Rule 15 (national party) provides that "Any presidential primary...which occurs prior to the first day of April in the year in which the national convention is held, shall provide for the allocation of delegates on a proportional basis." Idaho's Party rule is not consistent with the national rules, and national rules supersede the state rules.

RWB believes that the Newt Gingrich and Rick Santorum proposed delegates have a valid and viable challenge that should be brought to the RNC Committee on Contests this summer.

Delegate allocation: (allocated proportionally)

Romney: 20

Santorum: 6

Gingrich: 6¹³

¹³ If Gingrich withdraws, these delegates become unpledged.

Massachusetts - 41 Delegates

Legal Obligations of Delegates: None are legally bound.

Delegate Identification: CD delegates are selected in April of 2012. At-large delegates are selected at the State Party Convention in May of 2012.

Binding of Delegates by Party Rule: All district and at-large delegates bound to primary winner by winner proportionally among all candidates receiving at least 15%; RNC members are not bound.

Delegate allocation:

Romney: 38

Unbound: 3

North Dakota – 28 Delegates

Legal Obligations of Delegates: None are legally bound.

Delegate Identification: National Convention delegates are elected at the State Party Convention, March 30 – April 1, 2012.

Binding of Delegates by Party Rule: Legislative District Caucuses were held March 6, 2012 and a non-binding presidential preference poll was conducted. These results are used to proportionally allocate delegates at the State Party Convention although the delegates are not bound. The delegates caucus to discuss “voluntarily apportioning delegate representation on the first ballot” but they are under no obligation to do so.¹⁴ The 3 RNC member delegates are not bound.

Delegate allocation: No North Dakota Delegates have yet been allocated.

¹⁴ Presidential Caucus Rules, Rule No. 21-27 (2011) (“[A]ny such apportionment on the first ballot shall be strictly voluntary. The delegates remain free to vote their conscience on all balloting.”).

Ohio - 66 Delegates

Legal Obligations of Delegates: None are legally bound

Delegate Identification: Candidates submitted slates of delegates (note that Santorum did not file for delegates in CDs 6, 9 and 13)

Binding of Delegates by Party Rule: At-large delegates are apportioned among candidates getting at least 20% of vote (15 delegates). District delegates are assigned by winner take all by CD (3 per CD for a total of 48). Three RNC members are automatically delegates and are not bound.

| | | |
|------------------------|------------------|-----------|
| Delegate Count: | Romney: | 38 |
| | Santorum: | 25 |
| | Unbound: | 3 |

Oklahoma – 43 Delegates

Legal Obligations of Delegates: Bound by state law until released.

Delegate Identification: Selected at District and State Conventions, April and May 2012.

Binding of Delegates by Party Rule: 3 district delegates are allocated to each of the 5 CDs (If only one candidate exceeds 16% of the vote, that candidate takes all; If 2 or more candidates receives 15%, the candidate with the most votes is awarded 2, 2nd place is awarded 1; If three candidates over 15%, each candidate is awarded one). 25 at-large delegates bound to candidates proportionally who take over 15%. The three RNC members who are automatically delegates are not bound.

Delegate allocation:

Romney: 13

Santorum: 14

Gingrich: 13¹⁵

Unallocated: 3

¹⁵ Committed until released.

Tennessee – 58 Delegates

Legal Obligations of Delegates: Legally bound for first two ballots, unless released by the candidate.

Delegate Identification: Congressional District delegates are selected in May of 2012. At-large delegates are selected at the State Party Convention on June 16, 2012.

Binding of Delegates by Party Rule: 3 district delegates allocate to each of the 9 CDs (2/3 winner takes all; If only one candidate over 20% that candidate takes all; If 2 or more candidates get 20%, top vote winner takes 2, 2nd place takes 1). 28 at-large delegates bound to candidates proportionally who take over 20%.

Delegate allocation:

Romney: 16

Santorum: 29

Gingrich: 10¹⁶

Unallocated: 3

¹⁶ These delegates are committed for two ballots unless released by candidate.

Vermont - 17 Delegates

Legal Obligations of Delegates: None are legally bound.

Delegate Identification: District delegates are selected in May of 2012. At-large delegates are selected at the State Party Convention on June 16, 2012.

Binding of Delegates by Party Rule: The 3 district delegates are bound to the primary winner by winner take all by CD (only one CD). At-large delegates are divided proportionally among all candidates receiving at least 20% of the vote unless a single candidate has a majority (then winner take all to majority winner).

Delegate allocation:

Romney: 9

Santorum: 4

Paul: 4

Virginia – 49 Delegates

Legal Obligations of Delegates: None are legally bound.

Delegate Identification: Congressional District delegates are selected in May of 2012. At-large delegates are selected at the State Party Convention on June 16, 2012.

Binding of Delegates by Party Rule: 33 delegates are bound to the primary winner by winner take all by CD. At-large delegates are divided proportionally among all candidates receiving at least 15% of vote unless a single candidate has a majority (then winner take all to majority winner).

Delegate allocation:

Romney: 41

Paul: 5

Unbound: 3

Kansas – 40 Delegates

Legal Obligations of Delegates: None are legally bound.

Delegate Identification: Delegates were elected on March 10, 2012.

Binding of Delegates by Party Rule: 3 delegates are assigned to each of the state's 4 CDs and bound by winner take all by CD (in the event of a tie each candidate gets 1 delegate and the third delegate is unbound). 25 at-large delegates bound proportionally with a 20% threshold and the 3 RNC members who are automatic delegates are bound to winner of statewide vote.

Delegate allocation:

Romney: 7

Santorum: 33

U.S. Virgin Islands – 9 Delegates

Legal Obligations of Delegates: None are legally bound.

Delegate Identification: 3 RNC members are automatic delegates. 6 delegates were selected at the caucus on March 10, 2012.

Binding of Delegates by Party Rule: Delegates ran for caucus positions as either committed to a candidate or uncommitted. The 3 RNC member automatic delegates are not bound.

Delegate allocation:

Romney: 4

Paul: 1

Unbound: 4

Guam - 9 Delegates

Legal Obligations of Delegates: None are legally bound.

Delegate Identification: 3 RNC members are automatic delegates. 6 delegates were selected at the caucus on March 10, 2012.

Binding of Delegates by Party Rule: 6 delegates are bound by caucus results and the 3 RNC members who are automatic delegates are not bound.

Delegate allocation:

Romney: 6

Unbound: 3

Northern Mariana Islands - 9 Delegates

Legal Obligations of Delegates: None are legally bound.

Delegate Identification: 3 RNC members are automatic delegates. 6 delegates were selected at the caucus on March 10, 2012.

Binding of Delegates by party rule: All are unbound.

Delegate allocation:

Unbound: 9

Alabama – 50 Delegates

Legal Obligations of Delegates: None are legally bound.

Delegate Identification: Delegates identified by candidates prior to primary.

Binding of Delegates by Party Rule: 3 delegates are assigned to each of 7 CDs for a total of 21. (majority winner takes all; If more than one candidate is over 20% then the candidate receiving the most votes is awarded 2 and the second place candidate is awarded 1). 26 at-large delegates are allocated among all candidates who received more than 20% of the vote. RNC members who are automatic delegates are not bound.

Delegate allocation:

Romney: 11

Santorum: 19

Gingrich: 12¹⁷

Unpledged: 8¹⁸

¹⁷ If Gingrich withdraws, these delegates become unpledged.

¹⁸ As of the date of this memo, we are unable to finalize our estimates of the Congressional District delegate allocations. Many Alabama counties have not yet completed their returns.

Hawaii – 20 Delegates

Legal Obligations of Delegates: None are legally bound.

Delegate Identification: Congressional District delegates will be selected April 28, 2012. At-large delegates will be finalized at the State Party Convention beginning on May 18, 2012. 3 RNC members are automatic delegates.

Binding of Delegates by Party Rule: Determine delegate allocation percentages, then multiply delegate allocation percentage by the total number of delegates for the jurisdiction – 3 delegates per CD, and 11 statewide delegates. The three RNC members who are automatic delegates are unbound.

Delegate allocation:

Santorum: 5

Romney: 9

Paul: 3

Unallocated: 3

Mississippi – 40 Delegates

Legal Obligations of Delegates: None are legally bound.

Delegate Identification: Congressional District delegates will be selected April 28, 2012. At-large delegates will be finalized at the State Party Convention beginning on May 18, 2012. 3 RNC members are automatic delegates.

Binding of Delegates by Party Rule: 12 district delegates are allocated by rule (candidate receiving more than 50% gets all 3 district delegates, otherwise proportional with a 15% threshold). At-large delegates are allocated to the majority winner, or, if no candidate achieves a majority, to each candidate over 15% proportionally. The 3 RNC members who are automatic delegates are not bound.

Delegate allocation:

| | |
|---------------------|------------------------|
| Santorum: | 13 |
| Romney: | 12 |
| Gingrich: | 12¹⁹ |
| Paul: | 0 |
| Unallocated: | 3 |

¹⁹ Delegates are bound until released by the candidate.

American Samoa - 9 Delegates

Legal Obligations of Delegates: None are legally bound.

Delegate Identification: 3 RNC members are automatic delegates. 6 delegates were selected at the caucus on March 13, 2012.

Binding of Delegates by Party Rule: Delegates are bound only if territorial caucus so determines, otherwise delegates are unbound.

Delegate allocation:

Unbound: 9²⁰

²⁰ News reports indicate that Romney has received the “support” of all 9 delegates, but we have been unable to confirm whether the Territorial Caucus formally bound the delegates.

Puerto Rico - 23 Delegates

Legal Obligations of Delegates: 20 delegates are bound for the first ballot.

Delegate Identification: Voters selected 20 at-large delegates directly on the primary ballot, March 18, 2012.

Binding of Delegates by Party Rule: If the winner receives a majority of Puerto Rico's delegates, the winner receives all of Puerto Rico's delegates (aside from the 3 automatic RNC delegates). If no candidate wins a majority, delegates are allocated proportionally with a percentage threshold. The 20 at-large delegates are bound by party rule for the first ballot at the National Convention. The 3 RNC members who are automatic delegates are not bound but may state a preference.

Republican Party Rule 15 (national party) provides that "Any presidential primary...which occurs prior to the first day of April in the year in which the national convention is held, shall provide for the allocation of delegates on a proportional basis." Puerto Rico's Party rule is not consistent with the national rules, and national rules supersede the state rules.

RWB believes that the Newt Gingrich and Rick Santorum proposed delegates have a valid and viable challenge that should be brought to the RNC Committee on Contests this summer.

Delegate allocation: (allocated proportionally)

Romney: 18

Santorum: 2

Unbound: 3

Illinois – 69 Delegates

Legal Obligations of Delegates: None are legally bound.

Delegate Identification: 54 delegates were elected directly by the voters on March 20, 2012. At-large delegates are selected at the State Party Convention on June 8-9, 2012.

Binding of Delegates by Party Rule: The 54 delegates elected in March are not bound to any candidate, except that party rules require them to state their preference for a candidate prior to being placed on the ballot. 12 at-large delegates are chosen at the State Party Convention and they are not bound to any candidate. 3 RNC members are automatically delegates and are not bound.

Delegate allocation: No Illinois delegates have yet been allocated.

| | Red, White and Blue | | | | | NY Times | | | | | CNN | | | | | Republican National Committee | | | | |
|----------------|---------------------|----------|----------|------|-------------|----------|----------|----------|------|-------------|--------|----------|----------|------|-------------|-------------------------------|----------|----------|------|-------------|
| | Romney | Santorum | Gingrich | Paul | Unallocated | Romney | Santorum | Gingrich | Paul | Unallocated | Romney | Santorum | Gingrich | Paul | Unallocated | Romney | Santorum | Gingrich | Paul | Unallocated |
| Iowa | - | - | - | - | 28 | 12 | 14 | - | 1 | 1 | 7 | 8 | 2 | 7 | 4 | - | - | - | - | 28 |
| New Hampshire | 7 | - | - | 3 | 2 | 7 | - | - | 3 | - | 7 | - | - | 3 | 2 | 7 | - | - | 3 | 2 |
| South Carolina | 2 | - | 23 | - | - | 2 | - | 23 | - | - | 2 | - | 23 | - | - | 2 | - | 23 | - | - |
| Florida | 23 | 7 | 16 | 4 | - | 50 | - | - | - | - | 50 | - | - | - | - | 50 | - | - | - | - |
| Maine | - | - | - | - | 24 | 12 | - | - | 10 | 2 | 11 | 3 | - | 7 | 3 | - | - | - | - | 24 |
| Nevada | 14 | 3 | 6 | 5 | - | 14 | 3 | 6 | 5 | - | 14 | 3 | 6 | 5 | - | 14 | 3 | 6 | 5 | - |
| Colorado | - | - | - | - | 36 | 9 | 18 | - | - | 9 | 13 | 17 | 2 | 1 | 3 | - | - | - | - | 36 |
| Minnesota | - | - | - | - | 40 | - | 37 | 1 | - | 2 | 2 | 25 | 2 | 9 | 2 | - | - | - | - | 40 |
| Arizona | 14 | 8 | 5 | 2 | - | 29 | - | - | - | - | 29 | - | - | - | - | 29 | - | - | - | - |
| Michigan | 15 | 15 | - | - | - | 16 | 14 | - | - | - | 16 | 14 | - | - | - | 16 | 14 | - | - | - |
| Washington | - | - | - | - | 43 | 30 | 5 | - | 5 | 3 | 25 | 7 | - | 8 | 3 | - | - | - | - | 43 |
| Alaska | 8 | 7 | 3 | 6 | 3 | 8 | 7 | 3 | 6 | 3 | 8 | 7 | 3 | 6 | 3 | 8 | 7 | 3 | 6 | 3 |
| Georgia | 19 | 3 | 54 | - | - | 15 | 3 | 47 | - | 11 | 20 | 3 | 53 | - | - | 21 | 3 | 52 | - | - |
| Idaho | 20 | 6 | 6 | - | - | 32 | - | - | - | - | 32 | - | - | - | - | 32 | - | - | - | - |
| Massachusetts | 38 | - | - | - | 3 | 41 | - | - | - | - | 41 | - | - | - | - | 38 | - | - | - | 3 |
| North Dakota | - | - | - | - | 28 | 7 | 11 | 2 | 8 | - | 7 | 11 | 2 | 8 | - | - | - | - | - | 28 |
| Ohio | 38 | 25 | - | - | 3 | 35 | 21 | - | - | 10 | 35 | 19 | - | - | 12 | 38 | 21 | - | - | 7 |
| Oklahoma | 13 | 14 | 13 | - | 3 | 13 | 14 | 13 | - | 3 | 13 | 14 | 13 | - | 3 | 13 | 14 | 13 | - | 3 |

| State | Delegate Allocation | Delegates | Bound | Unbound | Dates of Binding | Notes |
|----------------|--|-----------|-------|---------|------------------|--|
| Louisiana | Statewide Proportional / State Convention (each CD elects its delegates and at large by statewide results) | 46 | 20 | 26 | March 24 | |
| DC | WTA by District-wide vote | 19 | 16 | 3 | April 3 | |
| Maryland | WTA by CD and Statewide | 37 | 37 | 0 | April 3 | |
| Wisconsin | WTA by CD and Statewide | 42 | 0 | 42 | April 3 | |
| Connecticut | WTA by CD for district delegates; Proportional for at-large delegates with 15% threshold unless majority vote winner then WTA at-large | 28 | 25 | 3 | April 24 | |
| Delaware | WTA | 17 | 17 | 0 | April 24 | |
| New York | WTA by CD for district delegates; Proportional for at-large delegates with 15% threshold unless majority vote winner then WTA at-large | 95 | 92 | 3 | April 24 | |
| Pennsylvania | Non-binding primary | 72 | 0 | 72 | | |
| Rhode Island | Proportional with 15% threshold | 19 | 16 | 3 | April 24 | |
| Indiana | WTA by CD for district delegates; At-large delegates unbound | 46 | 27 | 19 | May 8 | |
| North Carolina | Proportional | 55 | 52 | 3 | May 8 | |
| West Virginia | Delegates elected individually with listed candidate preference | 31 | 28 | 3 | May 8 | |
| Nebraska | Delegates bound to candidate noted on their filings | 35 | 32 | 3 | July 14 | Primary results unrelated to delegate allocation |
| Oregon | Proportional with 3.5% threshold | 28 | 25 | 3 | May 15 | |
| Arkansas | Majority (otherwise 2/1 allocation) by CD for district delegates / Proportional for At-Large Delegates with 15% threshold (exception if majority winner) | 36 | 33 | 3 | May 22 | |
| Kentucky | WTA by CD for district delegates / Proportional for At-Large Delegates with 15% threshold | 45 | 42 | 3 | May 22 | |

| | | | | | | |
|--------------|---|-------------|------------|------------|---------|--|
| Texas | Proportional | 155 | 152 | 3 | May 29 | |
| California | WTA by CD for district delegates / WTA for At-Large Delgates | 172 | 169 | 3 | June 5 | |
| Montana | Non-binding primary; Allocation Determined at Convention's option | 26 | 0 | 26 | June 14 | Convention may bind delegates but is not required to |
| New Jersey | Winner Take All | 50 | 50 | 0 | June 5 | |
| New Mexico | Proportional / 15% threshold | 23 | 20 | 3 | June 5 | |
| South Dakota | Proportional / 20% threshold | 28 | 25 | 3 | June 5 | |
| Utah | WTA | 40 | 40 | 0 | June 26 | |
| | | | | | | |
| Total | | 1145 | 918 | 227 | | |
| | | | | | | |
| | WTA - Winner Take All | | | | | |
| | Loophole Primary - Voters select delegates directly | | | | | |