

VIRGINIA DELEGATE SELECTION PLAN

FOR THE 2008 DEMOCRATIC NATIONAL CONVENTION

ISSUED BY THE VIRGINIA DEMOCRATIC PARTY

MAY 1, 2007

THE VIRGINIA DELEGATE SELECTION PLAN
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SECTION I

INTRODUCTION & DESCRIPTION OF DELEGATE SELECTION PROCESS

A. INTRODUCTION

1. This Virginia Delegate Selection Plan for the 2008 Democratic National Convention ("Delegate Selection Plan") provides the procedure for the selection of delegates and alternates from Virginia who will participate in the 2008 National Democratic Convention.
2. Pursuant to the Democratic National Committee's ("DNC") Call to Convention, Virginia has a total of 72 delegates and 14 alternates, in addition to 11 pledged party leaders and elected officials, two unpledged add-on delegates, and 18 unpledged party leader and elected officials, for a total delegation of 103 delegates and 14 alternates. (Call, I. & Appendix B.)
3. The delegate selection process is governed by the Charter and Bylaws of the Democratic Party of the United States, the Delegate Selection Rules for the 2008 Democratic National Convention ("Rules"), the Call for the 2008 Democratic National Convention ("Call"), the Regulations of the Rules and Bylaws Committee for the 2008 Democratic National Convention ("Regs."), Democratic Party of Virginia Party Plan ("Party Plan"), the Virginia election code, and this Delegate Selection Plan. (Call, II.A.)
4. Following the adoption of this Delegate Selection Plan by the State Party Committee, it shall be submitted for review and approval by the DNC Rules and Bylaws Committee ("RBC"). The State Party Chair shall be empowered to make any technical revisions to this document, including those required by the RBC to correct any omissions and/or deficiencies as found by the RBC to ensure its full compliance with Party Rules. Such corrections shall be made by the State Party Chair and the Plan resubmitted to the RBC within 30 days of receipt of notice of the RBC's findings. (Regs. 2.5, 2.6 & 2.7)
5. Once this Plan has been found in Compliance by the RBC, any amendment to the Plan by the State Party will be submitted to and approved by the RBC before it becomes effective. (Reg. 2.9)

B. DESCRIPTION OF DELEGATE SELECTION PROCESS

1. Virginia will use a proportional representation system based on the results of a Presidential preference Primary for apportioning delegates to the 2008 Democratic National Convention.
2. The "first determining step" of Virginia's delegate selection process will occur on February 12, 2008, with the holding of a "Presidential Preference Primary." The primary results will be used to allocate National Convention delegates.
3. The delegates and alternates to the National Convention shall be elected through a caucus/convention process. The primary results shall be used to allocate delegates who will be elected at county and city caucuses, held on April 19, 2008, beginning at 12:00 noon, or April 21, 2008, beginning at 7:30 p.m., or county or city conventions held before April 26, 2008. These delegates shall attend congressional district conventions, held on May 10, 17 or 24, 2008, and elect district-level National Convention delegates and alternates and conduct other business. The

same delegates shall attend a State Convention, to be held on June 7, 2008 to elect at-large and Party Leader and Elected Official delegates and alternates and conduct other business.

4. The district and State Convention delegates and alternates elected in county and city caucuses (or conventions) shall be allocated according to the Presidential Preference Primary. Pursuant to DNC rules, the 15% threshold shall apply to the election of National Convention delegates and alternates elected at the district and State Conventions. District and State Convention delegates who do not form a candidate caucus that reaches a 15% threshold at the district or state level ("non-viable candidate caucus") may join another candidate caucus and pledge to that candidate. After joining another candidate caucus, however, the delegates shall remain committed to that candidate throughout the process.
5. If a presidential candidate withdraws from the campaign and releases his or her delegates after the primary, but prior to National Convention delegate selection, that candidate shall still be awarded delegates and alternates elected at the district level. At the state level, however, if a presidential candidate is no longer a candidate at the time of selection of the at-large delegates and alternates, then those at-large slots that would have been allocated to the candidate will be proportionally divided among the remaining preferences entitled to an allocation.
6. Voter Participation in Process
 - a. Participation in Virginia's delegate selection process is open to all voters who wish to participate as Democrats.
 - b. Pursuant to the Code of Virginia, Section 24.2-531, voters in the February 12, 2008 Presidential Preference Primary will publicly declare their Party preference and that preference will be publicly recorded through the maintenance of separate poll books for each party. (Rules 2.A. & 2.C. & Reg. 4.3.)
 - c. Any person is eligible to participate in county and city caucuses and conventions who is a member of the Democratic Party of Virginia, as defined in Party Plan Article 2, and who is a resident voter in the jurisdiction in which that caucus or convention is held.
 - d. Virginia does not provide for registration by party. The deadline to register to vote for participation in the February 12, 2008 primary is January 14, 2008.
 - e. At no stage of Virginia's delegate selection process shall any person be required, directly or indirectly, to pay a cost or fee as a condition for participating. Voluntary contributions to the Party may be made, but under no circumstances shall a contribution be mandatory for participation. Specifically, pursuant to Party Plan Section 14.4, "[a] voluntary administrative fee may be requested for participation in any convention. However, no party member shall be excluded from participation in a convention because of not paying a fee. Any Democrat who desires to participate in a convention but who chooses not to pay the requested fee shall be permitted to participate." (Rule 2.D. & Reg. 4.4.)
 - f. No persons shall participate or vote in the nominating process for the Democratic presidential candidate who also participates in the nominating process of any other party for the corresponding elections. (Rule 2.E.)

- g. No person shall vote in more than one meeting which is the first meeting in the delegate selection process. (Rule 3.E. & Reg. 4.6.)
7. The Virginia Democratic Party is participating in the state government-run presidential preference primary that will utilize government-run voting systems. The State Party has taken or will take provable positive steps to:
- a. Promote the acquisition of accessible precinct-based optical scan systems, wherever possible. (Rule 2.H.(1))
 - b. Seek enactment of legislation, rules, and policies at the state and local level to ensure that direct recording electronic systems include a voter-verified paper trail. (Rule 2.H.(2))
 - c. Seek enactment of legislation, rules, and policies at the state and local level to ensure that both optical scan and direct recording electronic systems include recognized security measures. These measures include automatic routine manual audits comparing paper records to electronic records following every election and prior to certification of results where possible; parallel testing on election day; physical and electronic security for equipment; banning use of wireless components and connections; public disclosure of software design; use of transparent and random selection for all auditing procedures; and effective procedures for addressing evidence of fraud or error. (Rule 2.H.(3))
 - d. Include public endorsement of such legislation; educate the public on the need for such legislation; and encourage consideration of such legislation by the appropriate executive and legislative bodies.
 - e. Specifically, Virginia recently enacted a ban on purchase of new direct record electronic voting machines as of July 1, 2007. The Virginia State Central Committee May 2007 meeting will consider a resolution addressing additional issues concerning electronic voting.

SECTION II

PRESIDENTIAL CANDIDATES

- A. A Presidential candidate gains access to the Virginia presidential preference primary ballot by complying with the requirements set forth in Virginia Code § 24.2-545 (amended 2003), including by filing with the Virginia State Board of Elections a Declaration of Candidacy and petitions signed by at least 10,000 qualified voters, including at least 400 qualified voters from each congressional district in the Commonwealth, who attest that they intend to participate in the Democratic primary. Candidates should contact the Virginia State Board of Elections, Suite 101, 200 North 9th Street, Richmond, VA 23219-3485 (Telephone: 804-786-6551; Toll Free: 800-552-9745; Facsimile: 804-371-0194; E-Mail: info@sbe.state.va.us) to obtain detailed information on procedures adopted by the Board. There is no statutorily-required candidate filing fee. The candidate filing deadline is December 14, 2007 as determined by the State Board of Elections. "Uncommitted" will not appear on the ballot. Pursuant to Virginia Code § 24.2-644(c), voters may not write-in the names of candidates who are not listed on the ballot. (Rules 1.B., 14.A., 14.B., 14.D., 14.E., & 14.H.)

- B. Each presidential candidate shall certify in writing to the State Democratic Chair the name(s) of his or her authorized representative(s) by January 7, 2008. (Rule 12.D.(1))
- C. Each presidential candidate shall use his or her best efforts to ensure that his or her respective delegation within the state delegation achieves the affirmative action goals established by this Plan and is equally divided between men and women. (Rule 6.I.)

SECTION III

SELECTION OF DELEGATES AND ALTERNATES

A. STATE CONVENTION DELEGATE AND ALTERNATE SELECTION PROCESS

1. National Convention delegates and alternates shall be elected by delegates elected at county and city caucuses (or conventions) to district conventions and a State Convention.
2. A total of 2,000 State Convention delegates shall be apportioned among the counties and cities of Virginia. Each county and city shall be entitled to one-half as many alternates as there are delegates apportioned to such county or city. (*See Appendix A for delegate and alternate apportionment for each county and city within each congressional district.*) Apportionment of State Convention delegates and alternates shall be based upon a formula giving equal weight to the vote for the Democratic candidates in the 2004 presidential, the 2005 gubernatorial and the 2006 senatorial elections calculated pursuant to Method (c) of Section 15.1 of the Party Plan using the following formula:¹

Raw Number of Delegates =

$$\frac{1}{3} \frac{\text{Kerry votes for jurisdiction}}{\text{Total Statewide Kerry votes}} + \frac{\text{Kaine votes for jurisdiction}}{\text{Total Statewide Kaine votes}} + \frac{\text{Webb votes for jurisdiction}}{\text{Total Statewide Webb votes}}$$

See Rule 8.B.

3. Delegates and alternates to the congressional district and State conventions shall be elected at caucuses in each county and city. Caucuses shall be governed by Articles 14-19 of the Party Plan.
 - a. The county and city Democratic committees may hold caucuses in each precinct, magisterial district or ward to elect delegates and alternates to a county or city convention at which the congressional district and State Convention delegates and alternates will be elected. Alternatively, such caucuses, or a county or city-wide caucus, may elect the district and State Convention delegates directly.

¹ The raw number of delegates has been rounded up when the fraction is at or above 0.500 and rounded down when the fraction is below 0.500. In some cases, this round-off scheme resulted in one or two too many or too few delegates. When too many delegates resulted, the raw fraction(s) closest to 0.500 was (were) rounded down and not up so that the proper number of delegates could be allocated to each congressional district. When too few delegates resulted, the raw fraction(s) closest to 0.500 were rounded up and not down so that the proper number of delegates could be allocated to each congressional district. Fractional numbers of alternates are consistently rounded down.

- b. Any county or city committee that chooses to elect delegates and alternates at a level lower than the county or city must apportion delegates and alternates among the electing units according to the formula set forth in Section III.A.2. above. Any county or city committee proposing to elect delegates and alternates by caucuses to a county or city convention may, at its option, apportion as county and city convention delegates any whole multiple of the number of State Convention delegates to be chosen from that county or city.
- c. Caucuses within a county or city should be as uniformly scheduled as possible within a congressional district and shall be held on one of the following days and times:
- Saturday, April 19, 2008 at 12:00 noon
or
Monday, April 21, 2008 at 7:30 p.m.
- d. Each county or city Democratic committee shall meet and determine the day, time and locations of such meetings, the method of selecting delegates and alternates, and the apportionment of delegates and alternates among the electing units, if applicable, and shall advise Democratic State Party Headquarters of such information by February 22, 2008. Such meetings shall be scheduled to ensure maximum attendance of Democratic voters in locations that are easily accessible to all participants, including persons with disabilities, and assistance shall be provided to those persons with disabilities who wish to participate. County and city caucuses shall be encouraged to make provisions for childcare.
- e. Any county or city committee holding an unassembled caucus on Saturday, April 19, or Monday, April 21, 2008, may provide an opportunity for voters to appear in person and cast an absentee ballot to be counted in the final totals for delegates and alternates in such caucuses. Such absentee voting may be scheduled for Thursday, April 27, 2008, beginning at 7:00 p.m. and ending at a reasonable time. The day, time for beginning and ending of such absentee voting and the location shall be publicized by the county or city committee. The chairs of committees exercising this option of absentee voting shall ensure that sites are fully staffed to serve the voters, properly supervised, informational materials and ballots are provided, declaration forms are available, and that voted ballots are secured and properly counted in the caucus voting totals.
- f. Any person attending a caucus, before participating in the caucus, shall sign a standardized declaration form approved by the State Democratic Party stating that he or she: is a Democrat; does not intend to support any candidate who is opposed to a Democratic nominee in the next ensuing election; is not a member of any other political party; has not participated and will not participate in the nominating process of any other Party for the 2008 Presidential election; and is a registered voter in the jurisdiction in which the caucus is held. Declaration forms shall also require the participant to identify his or her residence address, telephone number, electronic mail address (if applicable), and such person's presidential preference.
- g. County and city Democratic committees must prepare and forward a Call to Caucus to the State Party and congressional district committee chairs by March 19, 2008.