

Rules of Procedure of the Credentials Committee of the Democratic National Committee

(As adopted by the DNC Credentials Committee at its meeting on September 26, 1997 and amended February 21, 2003)

1. CREDENTIALS COMMITTEE OF THE DEMOCRATIC NATIONAL COMMITTEE

As prescribed by Article Two, Section 10(b) of the Bylaws of the Democratic Party of the United States ("the Bylaws"):

- A. The Credentials Committee shall receive and consider all challenges to the credentials of Democratic National Committee members. [Bylaws, Art. 2, Sec. 10(b)(i)]
- B. Any challenge to the credentials of a member of the Democratic National Committee may be made by any Democrat from the state or territory of the member challenged or any member of the Democratic National Committee and shall be filed by Registered Mail (return receipt requested) within thirty (30) days of the selection of such member. [Bylaws, Art. 2, Sec. 10(b)(ii)]
- C. The Credentials Committee shall determine the validity of the credentials of those elected to the National Committee, and decide all challenges to the seating of such members. The Credentials Committee shall provide each party to a dispute a reasonable opportunity to be heard, and may give an opportunity for submission of briefs and oral argument and shall render a written report on issues to the National Committee. [Bylaws, Art. 2, Sec. 10(b)(iii)]
- D. The National Committee shall proceed to a determination of such contest or contests as its first order of business, if feasible, including the temporary seating of challenged members, in order that the members may participate in other business before the National Committee. [Bylaws, Art. 2, Sec. 10(b)(iv)]

2. AUTHORITY AND INTERPRETATION

- A. These Rules shall be interpreted in a manner consistent with the *Charter and Bylaws of the Democratic Party of the United States* and so as to promote the fair, expedient and efficient conduct of the business of the Credentials Committee.
- B. These Rules shall govern the conduct of the business of the Credentials Committee.
- C. When interpreting these Rules, the Co-Chairs of the Credentials Committee may reference prior rulings of the Chairs or Co-Chairs of previous Credentials Committees, decisions of the Credentials Committee, any precedent of the Democratic National Committee or the United States House of Representatives, and general parliamentary law.

3. MEMBERSHIP; QUORUM FOR TRANSACTING BUSINESS

- A. Election of the members of the Credentials Committee shall be carried out as prescribed in Article Two, Section 10(f) of the Bylaws.
- B. Proxy Voting: Any member may, in writing and with notice to the Co-Chairs, issue a proxy to another member. Proxies may be either general or limited and either instructed or uninstructed. All proxies shall be in writing and transferable if so specified. If instructed, the nature of the instruction shall be expressly indicated on the proxy. No member may hold more than one (1) proxy. A proxy may be counted for purposes of determining the presence of a quorum, and shall be considered a vote for all purposes within the scope of the proxy.
- C. Quorum: Forty percent (40%) of the then existing membership of the Credentials Committee, present in person or by proxy, shall constitute a quorum.

4. POWERS AND DUTIES OF THE CO-CHAIRS

- A. "Co-Chairs" means the Co-Chairs of the Credentials Committee.
- B. Should both Co-Chairs be absent from any meeting, the Co-Chairs should designate a member of the Credentials Committee to preside at said meeting. In the absence of such designation, the National Chairperson may ask a committee member to preside.
- C. The Credentials Committee may transact business with one Co-Chair present, provided that both Co-Chairs consent to such arrangement.
- D. On all matters concerning Credentials Committee business, the decision-making power of the Co-Chairs shall be co-equal with respect to one another. Any motion, amendment, point of order, or like matter relating to Credentials Committee business that requires a decision of the Co-Chairs will be considered denied if the Co-Chairs do not reach a unanimous decision. In the event that one or more of the Co-Chairs is absent from the meeting, the presiding officer shall have the power to exercise such powers as are given to the Co-Chairs jointly.
- E. The Co-Chairs shall conduct and expedite the business of the Credentials Committee, including reporting on the committee's activities to the Democratic National Committee.

5. MEETINGS

- A. Meeting Times and Places: The Credentials Committee shall meet at designated times and locations in conjunction with meetings of the Democratic National Committee, or upon the call of the Co-Chairs. Any adjourned meetings may be reconvened by the Co-Chairs.
- B. Unless the Co-Chairs declare an emergency and set forth in writing the reasons therefore, no meeting of the

Credentials Committee may be held without at least seven (7) days written notice to all members. The notice shall prescribe the time, place and agenda of the meeting. No matter may be considered which is not on the agenda unless a majority concurs. Official meetings of the credentials Committee shall be open to the public.

- C. The minutes of the proceedings of the Credentials Committee shall be recorded in a transcript which shall be open for inspection and shall be deposited with the Democratic National Committee.

6. CHALLENGES

A. Jurisdiction of the Credentials Committee:

- (1) The Credentials Committee shall determine and resolve questions concerning the seating of members of the Democratic National Committee pursuant to the Charter and Bylaws of the Democratic Party of the United States.
- (2) Any challenge to the seating of a member of the Democratic National Committee that is not made in conformity with these Rules shall be deemed waived.
- (3) The Committee shall report to the Democratic National Committee for final determination and resolution of all such questions.

B. Filing and Service:

- (1) Filing: Any challenge, answer and accompanying documents to be considered in the processing of any challenge shall be filed by Registered Mail (return receipt requested) with the Democratic National Committee, 430 South Capitol Street, SE, Washington, DC 20003. In lieu of Registered Mail, such materials may be hand delivered or sent via an overnight delivery service (with proof of delivery).
- (2) Service: Any document filed in conjunction with a challenge should be provided at the same time to all parties involved, with a copy to the presiding officer of the state, territory, commonwealth, or other DNC-affiliated organization in which the challenge arises.
- (3) Time:
 - (a) In computing any period of time prescribed by these Rules, the day of the act or event from which the designated period of time begins to run shall not be included. Week-ends and holidays shall be included. When a period of time is less than 11 days, intermediate Saturdays, Sundays and federal holidays shall be excluded in the time computation.
 - (b) Upon receipt of a challenge, the Co-Chairs of the Credentials Committee shall have authority to establish a timetable by which the challenge will be considered, and may enlarge or shorten any period of time prescribed by these Rules, when compelling need is shown.

C. Challenge Procedures:

- (1) As prescribed by the Bylaws, a credentials challenge shall be commenced by the filing of a written challenge within thirty (30) days of the selection of the member who is being challenged.

(2) The challenge should include the following:

- (a) The name, address and telephone number of each challenging party fulfilling the requirements of Article Two, Section 10(b)(ii) of the Bylaws; and, if applicable, the name, address and telephone number of the representative(s) authorized to receive documents on behalf of the challenger(s).
- (b) The name of each Democratic National Committee member whose credentials are challenged, or a statement that such information is unavailable to the challenging parties.
- (c) An identification of the state, territory, commonwealth, or other DNC-affiliated organization in which the challenge originates.
- (d) A plain, concise and specific statement explaining the basis for the challenge and each violation alleged.
- (e) A plain, concise and specific statement of the remedies each challenging party has invoked with respect to the issues involved in the challenge before filing the challenge with the Credentials Committee.
- (f) A plain, concise and specific statement of the relief requested and the reason therefore. If a challenging party proposes that he or she be seated as the DNC member, the challenge should include a plain, concise and specific statement of the reasons why that party has a right to be seated, superior to that of the DNC member whose seat he or she seeks; and a plain, concise and specific statement of how the challenging party has complied with all applicable laws, rules and regulations and has participated, or tried to participate, in the process for selecting the DNC member(s).

D. Answer:

- (1) After service of a challenge, the Co-Chairs will ask each challenged party to file a written answer, within a specified period of time of not greater than 21 days and not less than 10 days. Each answer should include the following:
 - (a) The name, address and telephone number of each challenged party and, if applicable, the name, address and telephone number of the representative authorized to receive documents on behalf of the challenged party.
 - (b) A statement as to whether the standing under Article Two, Section 10(b)(ii) of the Bylaws is in dispute.

- (c) A response to the challenge, separately admitting or denying each violation alleged therein, or specifically noting any violation alleged to which the challenged party does not have sufficient information to admit or deny.
 - (d) A plain, concise and specific statement providing an affirmative defense to each and every alleged violation.
 - (e) A plain, concise and specific statement of any other reason why the challenged party should prevail.
- (2) Challenged parties may consolidate their answers.
- E. Deferral to the State Democratic Party:
 - (1) The Co-Chairs of the Credentials Committee shall defer the matter to the State Party for a specified period of time for consideration of the challenge in accordance with state party procedures unless the State Democratic Party certifies that the matter was fully considered under the State Democratic Party's rules and that further proceedings would otherwise delay consideration of the appeal.
 - (2) The State Democratic Party body shall take such action with respect to the challenge or other related matter as it is authorized to take under state law and state party rules.
 - (3) Any decision by the state party body on a challenge or other related matter should be filed with the Democratic National Committee and each challenging party (or the authorized representative(s)).
 - (4) After a decision by a state party body on a challenge or other related matter, or after passage of the period of time allowed by the Co-Chairs for the state party to act, any party to the challenge may file an appeal to the state party decision with the Credentials Committee within ten (10) days of such decision. The appeal should include a copy of any written decision or order made with respect to the challenge by the state party body.
 - (5) Records of proceedings by the state party with respect to the challenge or other related matter, shall be admissible in the consideration of the challenge by the Credentials Committee.
 - (6) The decision of the state party body shall be given such weight as the Credentials Committee finds warranted in the circumstances.
- F. Additional Documentation:
 - (1) In the event of a hearing or consideration of a challenge by the Credentials Committee, the challenger(s) should provide the following documents:
 - (a) A list of the name, address and telephone number of each witness who is likely to be called to testify in support of the challenge.
 - (b) A list of the documents likely to be offered in support of the challenge, together with copies of those documents.
 - (2) In the event of a hearing or consideration of a challenge by the Credentials Committee, the challenged party(ies) should provide the following documents:
 - (a) A list of the name, address and telephone number of each witness who is likely to be called in opposition to the challenge.
 - (b) A list of the documents likely to be offered in opposition to the challenge, together with copies of those documents.
- G. Hearings:
 - (1) With respect to any challenge or part of a challenge pending before the Credentials Committee, the Co-Chairs may schedule an open and public hearing on the specific factual and legal matters in dispute immediately after the filing of an Answer and a determination of the State Democratic Party pursuant to subsection E of this Rule. An electronic or stenographic recording or clerical notes shall be made of the proceedings at any such hearing. The parties to the challenge may agree to an expedited hearing, in which case, the matter will be scheduled at the soonest possible time. With the agreement of the parties the time periods provided in subsections B through G may be shortened to provide for an expedited process, provided however that no rights under the Bylaws shall be affected or changed.
 - (2) The hearing shall be held in Washington, D.C., unless the Co-Chairs determine that in the interest of justice it should be held elsewhere.
 - (3) The hearing may be conducted by a Hearing Officer appointed by the Co-Chairs, or by the Credentials Committee. When hearings are conducted by the committee, the Co-Chairs and the Committee assume all authority granted in this section to a Hearing Officer for conducting the hearing.
 - (4) Any Hearing Officer shall be a Democrat, neutral in the context of the challenge, experienced in the law, known by reputation to be fair and shall not be involved in or identified with any group promoting or opposing the credentials challenge. The Co-Chairs shall make a reasonable effort to secure the agreement of the parties to the Hearing Officer.
 - (5) The Hearing Officer shall have all power necessary to conduct the hearing in such manner, consistent with these Rules of Procedure, as to secure the just, speedy and inexpensive determination of the challenge, including the right to require the parties to participate in a pre-hearing conference.
 - (6) The Committee encourages the resolution of challenges prior to a hearing, and, accordingly, the hearing officer shall offer to conduct one or more mediation sessions, which shall be voluntary, non-binding and confidential. Mediation shall not, without the consent of the parties and Co-Chairs, extend or excuse any deadline established under these Rules.

- (7) Prior to the commencement of the hearing, the Hearing Officer shall announce a ruling identifying, on the basis of the papers filed in the challenge and any pre-hearing conference, the specific issues in dispute. The Hearing Officer shall have power to rule that on certain issues only documentary evidence shall be received. Any party objecting to a ruling under this paragraph may submit the evidence that would have been presented but for the ruling.
 - (8) The Hearing Officer shall hear the evidence, dispose of procedural requests and similar matters and, to the extent possible, obtain stipulations of the parties as to the facts of the challenge.
 - (9) The Hearing Officer shall have authority to receive all competent evidence relevant to the specific matters in issue and to assign to it appropriate weight.
 - (10) The Hearing Officer shall have authority to order for good cause, that a party produce at the hearing designated evidence in the interest of justice. Where a party fails to produce such evidence, the Hearing Officer may make findings of fact adverse to the party on all issues to which the evidence would have been material.
 - (11) Subject to any ruling under Section 6.G.(5), each party shall have the right to present competent oral and documentary evidence relevant to the specific matters at issue and to conduct cross-examination.
 - (12) The Hearing Officer may require parties to consolidate their challenges or defenses for purposes of the hearing.
 - (13) Following hearings conducted by a Hearing Officer, the Hearing Officer shall make and file a written report to the Credentials Committee, which shall include findings of fact, conclusions of law and a recommendation for disposition of the challenge. The report shall be served on all parties to the challenge.
- H. Consideration by the Credentials Committee:
- (1) The order for considering challenges pending before the committee shall be scheduled by the Co-Chairs and included in the agenda provided to the committee members.
 - (2) Challenging parties, challenged parties and intervening parties entitled to oral argument may be represented by counsel before the Credentials Committee, however no more than two counsel each for the proponent and opponent of any pending matter may divide the time allocated to such party or parties for oral argument. Such time shall be limited to fifteen (15) minutes for each side unless extended by order of the Co-Chairs.
 - (3) Following the argument, debate by members of the Committee shall be in order for a period of thirty (30) minutes. During debate, members may address questions to each party's counsel or representatives.
- (4) Following debate, the Co-Chairs will recognize a committee member for the purpose of offering a resolution disposing of the pending challenge.
 - (5) Twenty (20) minutes will be allowed for debate on a credentials resolution, with the time equally divided between proponents and opponents. At the conclusion of the debate, the resolution shall be put to a vote. In the event the resolution is not adopted, the Co-Chairs will continue to recognize committee members for the purpose of offering other resolutions disposing of the pending challenge, until the challenge is disposed of. If no resolution is adopted, the Co-Chairs may call for a recess to allow for the preparation of additional resolutions, which shall be treated in accordance with this paragraph.
- I. Other Parties:
- (1) The State Democratic Party shall be joined as a challenged party if a party to the challenge so requests.
 - (2) A State Democratic Party may intervene in any challenge proceeding for the purpose of protecting any interest it may have with respect to that proceeding.
 - (3) For good cause shown, any other person having standing may be permitted to be heard as an *amicus curiae* or, in appropriate circumstances, to intervene, for all or limited purposes, by leave of the Co-Chairs of the Credentials Committee.
- J. Report of the Credentials Committee: The written report of the Credentials Committee shall be distributed to the members of the Democratic National Committee prior to its determination of such credentials contest or contests as prescribed by the Bylaws.
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- 7. VOTING**
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- A. No secret ballot shall be permitted at any stage of the Credentials Committee proceedings.
- B. The recognized votes shall be "aye" and "nay."
- C. Roll Call Votes: Voting shall be by voice vote, division or, when prescribed by these Rules, by roll call.
- D. Interruption of Vote: When the question has been put, the vote thereon may not be interrupted for any purpose other than a demand for a roll call vote. Any point of order directed to the conduct of the vote shall be heard immediately after the conclusion of the vote and before the vote is announced by the Co-Chairs.
- E. Determination of Question: Except as otherwise provided in these Rules, all questions shall be determined by a majority vote of the Credentials Committee members present.
- F. Tie Vote: A tie vote on a resolution shall result in the defeat of the resolution.
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- 8. APPEALS**
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- A. The Co-Chairs of the Credentials Committee shall decide all points of order subject to an appeal by a Credentials Committee member. A point of order will be considered

denied if the Co-Chairs cannot reach unanimous agreement.

B. An appeal shall not be in order:

- (1) while another appeal is pending;
- (2) from decisions on recognition of a member;
- (3) during a roll call vote;
- (4) on a question on which an appeal has already been decided;
- (5) from a ruling by the Co-Chairs, on the advice of the parliamentarian or counsel, that a resolution of a motion is in effect a motion to suspend a provision of these Rules; or,
- (6) on the advice of the parliamentarian or counsel, that a resolution or motion is out of order.

C. An appeal shall be debatable for such time, if any, as the Co-Chairs determine, with any such time to be equally divided between the member appealing the ruling and the member in favor of sustaining the Co-Chairs (who shall be designated by the Co-Chairs). Before the question is put on any appeal, the Co-Chairs may state briefly the reasons for the ruling being appealed.

9. MOTION TO SUSPEND THE RULES

The Co-Chairs shall entertain a motion to suspend the rules, which shall be decided without debate and which shall require a vote of two-thirds (2/3) of the Credentials Committee members voting, a quorum being present.

10. MOTIONS

- A. Only a member of the Credentials Committee may propose a motion. No question of privilege on any motion other than those provided under these Rules shall be entertained, except the motion to recess (to a time certain or at the call of the Co-Chairs), which shall be privileged, and the motion to adjourn, which shall be the highest privilege.
- B. Motions to adjourn or to recess shall be in order at any time except when the question has been put or a vote is in progress and shall be decided without debate. The Co-Chairs shall not entertain a motion to adjourn or recess when such motion closely follows another such motion if in the opinion of the Co-Chair such motion is dilatory.

11. TIME PERIODS; GENERAL RULES

- A. Any time period set forth in these Rules may be extended or reduced by the Co-Chairs for good cause, provided that doing so would not result in a breach of any rule stated in the *Charter and Bylaws*.
- B. Robert's Rules of Order, newly revised, shall govern in all proceedings of the Credentials Committee and any hearing or subcommittees established thereunder if said Robert's Rules of Order are applicable and not inconsistent with these Rules.
- C. The Co-Chairs may establish such other procedures and take such actions as may be necessary to carry out these Rules or to facilitate the effective operation of the Credentials Committee, hearing or any subcommittee,

provided that such action is not inconsistent with these Rules or the *Charter and Bylaws*.

12. RECORD

- A. The official record of any proceedings under these Rules shall be maintained in the office at the Democratic National Committee in Washington, D.C. and shall be open and available for public inspection and duplication at reasonable times.
- B. All meetings of the full Credentials Committee shall be transcribed.

(February 21, 2003)