



# Nebraska Democratic Party Emergency County and State 2020 Convention Rules

**Approved by DNC 4/3/2020**

**Sent to the NDP County Convention Committee on 4/4/20**

**Sent to SEC on 4/5/2020 for a vote on 4/6/2020**

**Approved by SEC 4/6/2020, as Authorized by SCC 3/21/20**

**Sent to SCC Members and County Chairs on 4/7/2020**

1. 2020 County Convention Committee
  - a. The Nebraska Democratic Party (NDP) shall oversee and assist county parties in conducting county conventions, which are the first step of the delegate selection process for the 2020 Democratic National Convention (DNC), by and through the 2020 NDP County Convention Committee (NDPCCC).
  - b. The NDPCCC shall consist of the State Chair, the First and Second Associate Chairs, the representative of the County Chairs from the State Executive Committee, and the Chair and Associate Chair of each Congressional District Caucus as voting members. The Executive Director, the Communications Director, the Rules Committee Chair, and the State Convention Committee Chair shall be ex officio non-voting members. The Committee may add additional non-voting members as it sees fit. The State Chair shall serve as Chair of the NDPCCC, unless the

Chair, with the approval of the NDPCCC, designates another member of the NDPCCC to serve as Chair.

c. The NDPCCC shall do all acts reasonable and necessary to successfully conduct county conventions in all 93 counties, within the parameters of these Emergency County & State Convention Rules, the NDP Constitution & Bylaws, the 2020 Nebraska Delegate Selection Plan (DSP) as approved by the Democratic National Committee, the various County Party Constitutions and Bylaws, and the laws of the State of Nebraska

## 2. County Convention Scheduling

a. The NDP shall conduct county conventions for each county using a phone or video conferencing service, at no cost to the county parties. NDP staff shall facilitate each conference call and assist the county chair as requested.

b. If a county party is required to elect county party leadership positions other than County Chair, Vice Chair, Secretary, and Treasurer at its county convention, the county chair of such county party shall notify the NDP of such elected leadership positions no later than April 15, 2020. Staff will schedule any dates not submitted by this date and then publish the full list of county convention dates and time no later than April 20, 2020.

c. The NDP shall certify the date and time of each county convention no later than April 20, 2020. Each county convention shall be held between the dates of May 17 and May 31, 2020, with counties with a population over 50,000 held on May 30, 2020 and May 31, 2020. To the extent possible, the NDP will work with county parties to schedule their county convention on the date selected by the county under the County Convention Rules previously adopted by the State Central Committee.

d. When scheduling county conventions, the NDP shall take into account any religious observations or local events that could significantly affect participation in county conventions.

e. At least seven days prior to the date of each county convention, the NDP shall cause to be published an official notice of the date and time of the convention.

f. No county party nor the NDP may require any person to pay a cost or fee, either directly or indirectly, as a condition for participating in county convention.

g. In cases where a county is without an active county party organization, or the leadership of a county party refuses to participate in a county convention in compliance with these Rules, the NDPCCC shall do what is necessary to organize and conduct a county convention in such county.

3. Convention Delegate Registration

a. All registered Democrats are eligible to be seated as a county convention delegate in the county (and legislative district) in which they reside and are registered to vote. Unregistered individuals, individuals registered with another political party, and registered Nonpartisans may not participate in county conventions. For purposes of this rule, a voter's registration status shall be determined by confirming their party affiliation on the centralized voter registration list maintained by the Secretary of State.

b. Each registered Democrat wishing to be seated as a county convention delegate must fill out a County Convention Registration Form on the NDP website ([www.nebraskademocrats.org](http://www.nebraskademocrats.org)) certifying that they are a registered Democrat who resides in that county (and legislative district) and designating their presidential preference on or before May 1, 2020.

c. Any registered Democrat who fails to register on or before May 1, 2020 may request to be seated as a county convention delegate by contacting the NDP by email at [delegate@nebraskademocrats.org](mailto:delegate@nebraskademocrats.org) or by phone at (402) 434-2180 up to one hour in advance of their county convention. Any delegate seated after the deadline to return ballots for counties with a population over 50,000 under Rule 3(f) will not be eligible to receive a ballot.

d. Each registered Democrat wishing to run as a delegate to State Convention at their county convention must fill out the County Convention Registration Form as provided in Rule 3(b) and shall indicate on such form that they wish to be a candidate for state convention delegate on or before May 1, 2020.

e. Each registered Democrat wishing to run for a county party officer position must fill out a Declaration of Candidacy for County and State Party Leadership Form on the NDP website ([www.nebraskademocrats.org](http://www.nebraskademocrats.org)) certifying that they are a registered Democrat who resides in that county on or before May 1, 2020.

f. No later than May 17, 2020, the NDP shall transmit ballots (by email, or by mail as necessary) to all county convention delegates for counties with a population over 50,000 as needed for elections under Rule 4(f) and Rule 4(j). Delegates must sign and return their ballot to the NDP by email or text message to [delegate@nebraskademocrats.org](mailto:delegate@nebraskademocrats.org) or by mail to 3701 O Street, Suite 200, Lincoln, NE 68510. All ballots must be received by the NDP no later than 5:00 p.m. on May 27, 2020.

g. Any county convention delegate whose ballot has not been received by the NDP by the deadline in Rule 3(f) shall be notified of such fact by NDP staff and given until 5:00 p.m. on May 28, 2020 to return their ballot.

h. The NDP shall provide a list of registered county convention delegates to any registered candidate for state convention delegate or county party officer upon written request.

#### 4. County Convention Procedures

a. Each county convention shall convene no earlier than the designated start time, and NDP staff shall allow reasonably sufficient time for any registered county convention delegate waiting to enter the conference call at the designated start time to enter before county convention can convene.

b. The order of business for all county conventions shall be as follows, unless otherwise specifically provided in County Party Constitution and Bylaws:

- i. Call to Order
- ii. Seating of Delegates
- iii. Election of Convention Chair and Convention Secretary
- iv. Election of County Party Officers (County Chair, Vice Chair<sup>(1)</sup>, Secretary, Treasurer, and any other officers provided for by County Party Constitution and Bylaws)
- v. Election of State Convention Delegates and Alternates
- vi. Additional Business (if approved by the NDPCCC)

c. There shall be no non-public methods of voting used at any county convention. Voting shall be by voice vote, roll call, or signed written ballot. No electronic methods of tabulation shall be used, and any signed written ballots used shall be preserved by the NDP for possible inspection if necessary. Notwithstanding this section, a county party may apply no later than April 15, 2020 to use an alternative public method of voting if such method is otherwise in compliance with these Emergency County & State Convention Rules, the NDP Constitution & Bylaws, the 2020 Nebraska DSP, and any DNC rules. The NDPCCC may approve any such alternative method in consultation with the NDP Rules Committee.

d. Election of Convention Officers shall be by voice vote. If no candidate receives a majority of the voice vote, the candidate with the lowest vote total shall be dropped and another vote will be held. This process will be repeated until a candidate receives a majority of the voice votes cast.

e. In counties with a population of 50,000 or less, election of County Party Officers shall be by roll call vote, unless there is only one nominee, in which case a voice vote shall suffice. If no candidate receives a majority of the vote, the candidate with the lowest vote total shall be dropped and another vote will be held. This process will be repeated until a candidate receives a majority of the votes cast.

f. In counties with a population over 50,000, election of County Party Officers shall be by signed written ballot using ranked choice voting,

unless there is only one nominee, in which case a voice vote shall suffice. If no candidate receives a majority of the vote, the candidate with the lowest vote total shall be dropped and the ranked choice process kicks in. The dropped candidate's votes shall be reallocated based on the second-choice votes on those ballots. If that process does not result in a candidate receiving a majority of the vote, the candidate remaining with the lowest vote total shall be dropped, and the dropped candidate's votes shall be reallocated based on the next remaining ranking on those ballots. This process will be repeated until a candidate receives a majority of the votes cast.

g. In the event a candidate for County Party Officer in a county with a population over 50,000 is ineligible for election due to gender balance requirements, due to having been elected to another County Party Officer position, or due to other requirements in the County Party Constitution and Bylaws, that candidate's votes shall be automatically reallocated based on the second-choice votes on those ballots.

h. Each county convention shall elect the number of state convention delegates and alternates apportioned to the county (and legislative district) by the NDP and allocated by presidential preference based off the county-wide results of the May 12<sup>th</sup> Presidential Primary. The county convention delegates will vote by legislative district (if applicable) and by presidential preference to elect the number of state convention delegates and alternates allocated to their preferred candidate. Delegates shall be allowed to cast the number of votes equal to the number of delegate or alternate positions available. Neither cumulative voting nor proxy voting shall not be permitted.

i. In counties with a population of 50,000 or less, election of state convention delegates and alternates shall be by roll call vote, unless the number of candidates is equal to or less than the number of delegates or alternates allocated to the preferred candidate, in which case voice vote shall suffice. A separate election shall be conducted for each gender, unless one or more candidates are non-binary gender, in which case a single election shall be held, with the delegate or alternate positions awarded to the highest vote-getting candidates in order, alternating by gender except in the case of a non-binary gender candidate, until all delegate or alternate positions are filled.

j. In counties with a population over 50,000, election of state convention delegates and alternates shall be by signed written ballot, unless the number of candidates is equal to or less than the number of delegates or alternates allocated to the preferred candidate, in which case voice vote shall suffice. A separate election shall be conducted for each gender, unless one or more candidates are non-binary gender, in which case a single election shall be held, with the delegate or alternate positions awarded to the highest vote-getting candidates in order, alternating by gender except in the case of a non-binary gender candidate, until all delegate or alternate positions are filled. In the event of a tie for the final delegate or alternate position, a coin toss shall determine the result.

k. Within each legislative district and within each presidential preference, the county party and the NDP shall ensure gender balance of state convention delegates and alternates within each delegation. For purposes of this rule, a delegation will be considered to be gender balanced if the variance of self-identified genders is not more than one. In the case of non-binary gender delegates, they shall not be counted in either the male or female category. In the event that a presidential preference is allocated an odd number of delegates or alternates and there are sufficient candidates that either a male or female candidate could be elected to fill the final delegate or alternate position, a coin toss shall determine the binary gender of the final position.

l. All signed written ballots provided for under Rule 4(f) and Rule 4(j) shall be counted by at least three members of NDP staff no earlier than the day following the deadline for returning such ballots under Rule 3(f). All results from such counting shall be embargoed until the relevant county convention, and may not be shared with any other individual until the conference call. Any candidate for County Party Officer or state convention delegate shall be permitted to review and audit such ballots after the vote count is publicly announced and in the presence of NDP representatives upon written request.

m. Any county party may request that the NDPCCC approve additional business for its county convention if such business is either required under the County Party Constitution and Bylaws or is business of an emergency

nature. The NDPCCC may approve such additional business if it is determined that such business can be reasonably accommodated using the phone or video conference service and will not unreasonably extend the duration of the county convention.

5. State Convention Delegates

a. For each individual elected as a state convention delegate or alternate, the NDP shall transmit a certification of election form certifying that they were elected as a delegate or alternate to state convention and confirming their presidential preference. All certification of election forms shall be transmitted no later than June 2, 2020.

b. If any county convention does not elect individuals to serve for all allocated state convention delegate or alternate positions, or in the event of a vacancy due to the death, resignation, moving, or change in party affiliation of a delegate or alternate, the county party may fill such vacancies in the method provided pursuant to NDP Bylaw 1.1.13. Any delegates or alternates elected to fill a vacancy must reflect the presidential preference and gender of the vacancy, and must be elected from the appropriate legislative district.

c. No later than June 2, 2020, the NDP shall transmit ballots (by email, or by mail as necessary) to all state convention delegates as needed for elections under Rule 6(f), Rule 6(h), and Rule 6(i). Delegates must sign and return their ballot to the NDP by email or text message to [delegate@nebraskademocrats.org](mailto:delegate@nebraskademocrats.org) or by mail to 3701 O Street, Suite 200, Lincoln, NE 68510. All ballots must be received by the NDP no later than 5:00 p.m. on June 9, 2020.

d. Any state convention delegate whose ballot has not been received by the NDP by the deadline in Rule 5(c) shall be notified of such fact by NDP staff and given until 5:00 p.m. on June 10, 2020 to return their ballot.

e. Failure of a county party to comply with these Emergency County & State Convention Rules may constitute grounds for the contest of the credentials of the county's delegates and alternates to state convention.



6. State Convention Procedures

a. The NDP shall hold the 2020 State Convention using a phone or video conferencing service on June 13 and June 14, 2020. Congressional District Caucuses and Convention Committee Meetings will be held on June 13, 2020, while main convention business will be conducted on June 14, 2020.

b. Each registered Democrat wishing to run as a delegate to the 2020 Democratic National Convention shall file using the procedures as outlined in the 2020 Nebraska DSP (see <https://nebraskademocrats.org/blog/how-to-become-a-delegate-to-the-2020-democratic-national-convention/>). (\*note, this blog will be updated once SEC approves rules)

c. Each registered Democrat wishing to run for a State Party Officer position or State Central Committee position must fill out a Declaration of Candidacy for County and State Party Leadership Form on the NDP website ([www.nebraskademocrats.org](http://www.nebraskademocrats.org)) certifying that they are a registered Democrat who resides in the relevant congressional district or legislative district on or before May 1, 2020. Any registered Democrat who fails to file for a State Party Officer position on or before May 1, 2020 may still seek to be nominated for such position at State Convention, but must run as a write-in candidate.

d. There shall be no non-public methods of voting used at state convention. Voting shall be by voice vote, roll call, or signed written ballot. No electronic methods of tabulation shall be used, and any signed written ballots used shall be preserved by the NDP for possible inspection if necessary.

e. Election of State Convention Officers shall be by voice vote. If no candidate receives a majority of the voice vote, the candidate with the lowest vote total shall be dropped and another vote will be held. This process will be repeated until a candidate receives a majority of the voice votes cast.

f. Election of State Party Officers shall be by signed written ballot using ranked choice voting, unless there is only one nominee, in which

case a voice vote shall suffice. If no candidate receives a majority of the vote, the candidate with the lowest vote total shall be dropped and the ranked choice process kicks in. The dropped candidate's votes shall be reallocated based on the second-choice votes on those ballots. If that process does not result in a candidate receiving a majority of the vote, the candidate remaining with the lowest vote total shall be dropped, and the dropped candidate's votes shall be reallocated based on the next remaining ranking on those ballots. This process will be repeated until a candidate receives a majority of the votes cast.

g. In the event a candidate for State Party Officer is ineligible for election due to gender balance requirements or due to having been elected to another State Party Officer position, that candidate's votes shall be automatically reallocated based on the second-choice votes on those ballots.

h. Election of State Central Committee members shall be by signed written ballot, unless there is only one nominee, in which case voice vote shall suffice. A separate election shall be conducted for each gender, unless one or more candidates are non-binary gender, in which case a single election shall be held, with the delegate or alternate positions awarded to the highest vote-getting candidates in order, alternating by gender except in the case of a non-binary gender candidate, until all delegate or alternate positions are filled. In the event of a tie, a coin toss shall determine the result.

i. Election of District-Level Delegates and Alternates to National Convention shall take place during the Congressional District Caucuses. Delegates will caucus by their presidential preference to elect the number of District-Level Delegates and Alternates allocated to their candidate based on the results of the May 12<sup>th</sup> Presidential Primary.

i. A separate election shall be conducted for each gender, unless one or more candidates are non-binary gender, in which case a single election shall be held.

ii. Voting shall be by signed written ballot with a printed name of the voter. Each member of the Caucus (Delegates and Alternates serving in place of Delegates) shall be allowed to cast

the number of votes equal to the number of delegate positions available. Multiple votes for one candidate on the same ballot (cumulative voting) will not be permitted.

iii. The District-Level Delegate positions will be awarded to the top vote-getters in order until the positions are filled.

iv. If allocated, the District-Level Alternate position will be awarded to the next highest vote-getters after the Delegates are elected.

v. Any ballot with more than the permitted number of votes shall be disqualified in its entirety. Ballots with under-voting will be counted. Unsigned ballots or ballots which cannot be identified by member shall be preserved but shall be disqualified.

vi. All ballots shall be preserved for inspection by delivery to the custody of the Convention Secretary immediately at the conclusion of the Congressional District Caucuses.

j. Election of Party Leader and Elected Official (PLEO) Delegates to National Convention shall take place following the selection of District-Level Delegates and Alternates. PLEO Delegates shall be allocated amongst presidential preferences based on the results of the May 12<sup>th</sup> Presidential Primary and elected by the full convention body.

i. Prior to conducting the election, the Chair shall announce that per our National Delegate Selection Plan, priority of consideration should be given to big city mayors and statewide elected officials (to be given equal consideration), state legislative leaders, state legislators, and other state, county, and local elected officials and party leaders, in that order.

ii. The Chair shall then read a list of the candidates who are big city mayors and statewide elected officials, Legislative leaders, members of the Legislature, other state, county, or local elected officials, state party leaders, and county party leaders by name and title.

iii. If more than three (3) accepted candidates are available, an election shall be conducted by Roll Call vote, with each delegate entitled to three (3) votes and the three candidates with highest vote totals being elected. If only three (3) accepted candidates exist, the convention may elect via voice vote.

iv. A separate election shall be conducted for each gender, unless one or more candidates are non-gender binary, in which case a single election shall be held.

k. Election of At-Large Delegates to National Convention shall take place following the selection of PLEO Delegates. At-Large Delegates shall be allocated amongst presidential preferences based on the results of the May 12<sup>th</sup> Presidential Primary and elected by the full convention body.

i. Prior to conducting the election, the Chair shall explain the affirmative action goals and describe the composition of the entire National Convention Delegation named so far, so as to encourage Convention Delegates to vote for a Delegation which reflects the affirmative action goals.

ii. At-Large Delegates shall be allocated between binary genders as necessary to balance the gender of the entire National Convention Delegation.

iii. If more than five (5) accepted candidates are available, an election shall be conducted by Roll Call vote, with each delegate entitled to five (5) votes and the five candidates with highest vote totals being elected. Cumulative voting is not permitted. If only five (5) accepted candidates exist, the convention may elect via voice vote.

iv. A separate election shall be conducted for each gender, unless one or more candidates are non-gender binary, in which case a single election shall be held.

l. All signed written ballots provided for under Rule 6(f), Rule 6(h), and Rule 6(i) shall be counted by at least three members of NDP staff no

earlier than the day following the deadline for returning such ballots under Rule 5(c). All results from such counting shall be embargoed until State Convention, and may not be shared with any other individual until the conference call. Any candidate for State Party Officer, State Central Committee member, or District-Level Delegate to National Convention shall be permitted to review and audit such ballots after the vote count is publicly announced and in the presence of NDP representatives upon written request.

7. Conflicts & Disputes

a. In the event of any dispute, all matters will be resolved in accordance with these Emergency County & State Convention Rules, the NDP Constitution & Bylaws, the 2020 Nebraska DSP, and the various County Party Constitutions & Bylaws.

b. These Emergency County & State Convention Rules are intended to comply with all requirements of Nebraska state statutes governing political parties, and are to be interpreted as consistent with such statutes.

c. These Emergency County & State Convention Rules are intended to comply with and implement all provisions of the NDP Constitution & Bylaws, the 2020 Nebraska DSP, and all Calls, Rules, and Regulations of the 2020 DNC (DNC Rules). In the event of any conflict between these Rules and the 2020 Nebraska DSP or any DNC Rules, these Emergency County & State Convention Rules shall be deemed amended to coincide with the 2020 Nebraska DSP and DNC Rules. Any portion of these Emergency County & State Convention Rules which does not so comply may be severed and the balance of these Rules shall remain valid.

d. These Emergency County & State Convention Rules replace the County Convention Rules previously adopted by the State Central Committee on January 18, 2020.

e. Any amendment or addition to these Emergency County & State Convention Rules may be made by the NDPCCC in consultation with the NDP Rules Committee and after approval of the State Central Committee or State Executive Committee.

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<sup>[1]</sup> The Vice Chair shall be of the opposite gender of the Chair