

Proposal for MA Delegate Caucuses and Selection Plan for 2016 Convention in Cleveland, OH

Minority Report

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Introduction

The Convention Rules Committee has adopted a majority report that radically alters the Plan and rules for selecting delegates. We strongly oppose this radical departure and offer this Minority Report that rewards local Republican activists and grows the party while maintaining local control over the RNC delegate selection process.

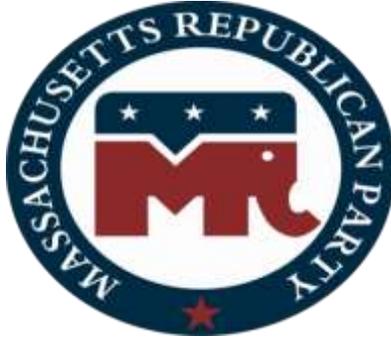
This Minority Report encourages Presidential candidates to campaign in the Massachusetts Republican Presidential Primary by awarding bound delegates proportionally to any candidate that received at least 5% of the vote.

The Minority Report begins with the Plan for the Selection of Delegates used for the 2012 National Convention, but makes several changes to address the problems that arose during the 2012 Caucuses. It also alters the threshold primary vote percentage to receive delegates from 15% to 5%. The following summarizes these changes:

- 1) Rules 4.1, 4.2, and 5.4 contain the threshold percentage for receiving delegates. This is amended to change the threshold percentage from 15% to 5%.
- 2) Rule 4.1 establishes the Allocation Committee. This committee determines the allocation of delegates depending on the results of the March 1, 2016 primaries. The amendment alters the appointing authority of six of the members from the Chairman to being nominated and elected by the committee.

- 3) Rule 4.3 establishes the administrative procedures for the caucuses. It's been amended by requiring the State Committee to submit the procedural rules to the State Committee at the January meeting for approval.
- 4) Rule 4.5 establishes the procedures that the chair of the caucuses must follow. It has been amended by designating the chairman authority in deciding questions of procedure while the caucus is being conducted rather than the parliamentarian.
- 5) Rule 4.6 establishes the procedures the chair of the caucuses must follow in reporting the results as well the procedures for handling protests. This has been amended by allowing decisions regarding protests to be appealed to the State Committee.
- 6) Rule 4.9 establishes the deadlines for the State Committee to elect at-large delegates. It's been amended to conform to deadlines from the Rules of the Republican Party and the Rules within the Plan itself.
- 7) 4.16 establishes the final authority for deciding ambiguities, inconsistencies, and unforeseen circumstances. It has been amended by change the authority from the general counsel of the State Committee to the State Committee itself.

The Minority believes that these changes adequately address the issues from 2012. We also believe that the caucus system will provide the greatest incentives for members of the Republican Party at the local level to get involved in State Republican Party activities.



**MASSACHUSETTS REPUBLICAN PARTY PLAN FOR THE SELECTION OF DELEGATES
TO THE CLEVELAND, OH NATIONAL CONVENTION**

Minority Report

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**MASSACHUSETTS REPUBLICAN PARTY PLAN FOR THE SELECTION OF DELEGATES TO THE
CLEVELAND, OH NATIONAL CONVENTION**

I. PREAMBLE

- 1.1 The Plan (the “Plan”) constitutes “that system adopted by the state committee” for “the selection of delegates and parties,” required by section 70B of chapter 53 of the Massachusetts General Laws of The Commonwealth of Massachusetts and was adopted by the Massachusetts Republican State Committee on September 16, 2015, pursuant to and in accordance with the provisions of said statute as amended and in force on the date of the adoption on this plan.
- 1.2 The Massachusetts Republican Party sets forth this Plan to select a delegation to the 2016 Republican National Convention (the “Convention”), scheduled to be convened in Cleveland, Ohio on July 18, 2016, which reflects the preferences expressed by the voters on the presidential preference portion of the Republican ballot at the presidential primary (the “Primary”), scheduled to be held on March 1, 2016, and to ensure maximum participation by its state, city, ward, and town committees and the Party at large.
- 1.3 The process of the selection of delegates as well as the composition of the delegation should reflect the open door policy of the Republican Party. To this end, voters, Republican committees, and Presidential candidates’ state committees shall encourage the broadest possible representation of all citizens. (Rule No. 15(b) of the Rules of the Republican Party)
- 1.4 Pursuant to the Rules of the Republican Party, adopted by the 2012 Republican National Convention in Tampa, FL, Massachusetts is entitled to 42 delegates and 39 alternate delegates distributed based upon the following formula: a) twelve (12) delegates and twelve (12) alternate delegates at large; b) three (3) district delegates and three (3) alternate district delegates for each Massachusetts Congressman in the U.S. House of Representatives based upon districts existing after the 2010 reapportionment; c) three (3) automatic delegates for the State Chair, National Committeeman and National Committeewoman (Note: there are no alternates for these three delegates). (As per RNC rule 14.6 and 14.7 Massachusetts is awarded an additional two (2) at large delegate and two (2) at large alternate delegate for electing a Republican Governor and Republican U.S. Senator).

Rule No. No. 16(b) of the Rules of the Republican Party provided as follows:

Delegates at large and their alternate delegates and delegates from Congressional districts and their alternate delegates to the national convention shall be elected, selected, allocated, or bound in the following manner:

(1) In accordance with any applicable Republican Party rules of a state, insofar as the same are not inconsistent with these rules; or

(2) To the extent not provided for in the applicable Republican Party rules of a state, in accordance with any applicable laws of a state, insofar as the same are not inconsistent with these rules; or

(3) By a combination of the methods set forth in paragraphs (b)(1) or (b)(2) of this rule; or

(4) To the extent not provided by state law or party rules, as set forth in paragraph (e) of this rule.

Rule No. 16(d) of the Rules of the Republican Party provided as follows:

(8) Delegates and alternate delegates at large to the national convention when serving as delegates and alternate delegates shall be residents of and duly qualified voters in their respective states. All delegates and alternate delegates allocated as delegates and alternate delegates at large shall be elected at large in the several states.

(9) Delegates and alternate delegates to the national convention representing Congressional districts shall be residents of and qualified voters in said districts respectively when elected and when serving as delegates and alternate delegates. There shall be three (3) delegates and three (3) alternate delegates allocated to represent each Congressional district of the several states, who shall be elected by each such Congressional district.

(11) There shall be no automatic delegates to the national convention who serve by virtue of party position or elective office, except as provided for the Rule No. 14 (a) (2) [of the Rules of the Republican Party].

1.5 Three (3) district delegates and three (3) alternate delegates shall be elected from each of the current congressional districts, then twelve (12) delegates and twelve (12) alternate delegates shall be elected at large. (27+12=39)

1.6 Selection of delegates occurs after the Primary. Selection of Congressional district delegates must take place within 60 days after the Primary. Within 45 days after the election of the Congressional district delegates, at large delegates will be chosen.

1.7 If there is a roll call vote for President at the Convention, all delegates and alternate delegates whose selection is made subject by the Plan to qualifying Presidential Primary Candidates defined by Section 4.2 of the Plan shall vote on the first such roll call for that presidential candidate unless released by such candidate. (G.L. c.53, §70I)

II. TIME SCHEDULE

(Dates may be subject to Legislative change)

<u>Date</u>	<u>Action</u>	<u>Statute/Rule</u>
September 22, 2015	Nomination papers available for Presidential candidates	c. 53, § 47
October 1, 2015	State Committee must file rules c. 53, § 70B for selecting delegates with State Secretary	c. 53, § 70B
December 21, 2015	Deadline for submitting Presidential Candidates' nomination papers to local registrars of voters and election commissioners for certification of Signatures	c. 53, § 46
December 28, 2015	Deadline for registrars to complete Certification of signatures for Presidential candidates	c. 53, § 46
December 30, 2015	Deadline for Presidential Candidates to apply for review of non-certified signatures.	c. 55B, § 6
December 31, 2015	Last day for registrars of voters to complete review of non-certified signatures for Presidential candidates	c. 55B, § 6
January 1, 2016	Deadline (1) for State Committee Chair to submit list of candidates for President to be included on ballot.	c. 53, § 70E
January 4, 2016 5:00 p.m.	(1) Deadline for filling Presidential candidates' nomination papers with State Secretary	c. 53, § 48
January 5, 2016 5:00 p.m.	State Committee must notify State Secretary of the number of delegates and alternate delegates to be chosen from each Congressional District and number at-large delegates and alternate delegates	c. 53, § 70B
January 7, 2016 5:00 p.m.	Deadline for filing objections to Presidential Candidates' nomination papers with State Secretary	c. 55B, § 5
January 8, 2016 5:00 p.m.	Deadline for Presidential candidates to file affidavit of withdrawal with State Secretary	c. 53, § 70E
February 10, 2016	Deadline to register to vote and change party enrollment for presidential primary	c.51, § 26
February 20, 2016	Deadline for designation of Presidential candidates' state committee representatives	Plan ¶ 4.7
March 1, 2016	Presidential Primary	c. 53, § 28
April 10, 2016	Deadline for appointing Allocation Committee (40 days post primary time-frame for party	Plan ¶ 4.1
April 17, 2016	Deadline for allocation of pledged and unpledged delegates.	Plan ¶ 4.1
April 30, 2016 (60 days after primary)	Deadline for election of Congressional District Delegates and Alternate Delegates	Plan ¶ 4.3

<u>Date</u>	<u>Action</u>	<u>Statute/Rule</u>
June 3, 2016 (45 days before Convention)	Deadline for election of At-Large	Plan ¶ 4.9
June 13, 2016(35 days before National Convention)	Credentials of all Delegates must be filed with Secretary of Republican National Committee	Rule No. 23(a)
June 18, 2016 (30 days before National Convention)	Deadline for filing contests with respect to election of all delegates and alternate Delegates	Rule No 20(c)
July 18, 2016	Republican National Convention convenes July 18 – July 21 2016)	

III. BALLOT ACCESS

Pursuant to G. L. c. 53, § 70E, the state secretary shall cause to be placed on the official ballot for use at presidential primaries, under separate headings, and in the following order:

- 3.1 the names of those candidates or potential candidates for the office of President of the United States whom he or she shall have determined to be generally advocated or recognized in national news media throughout the United States,
- 3.2 the names of any other candidates or potential candidates for nomination for president whose names are proposed therefore by nomination papers prepared and furnished by the state secretary, signed in the aggregate by at least twenty-five hundred voters, and
- 3.3 the names of those candidates or potential candidates for nomination for president whose names appear on written lists signed by the chairman of the state committees of the political parties,
- 3.4 arranged in such order as may be determined by lot under the direction of the state secretary, a blank space in which the voter may, if he does not vote for any of the candidates for president whose names are printed on the ballot, insert the name of any person of his choice as a candidate for president and a blank space in which a voter may vote no preference. A vote both for no preference and for a candidate whose name has been inserted by the voter shall be counted as a vote for that candidate.

IV. RULES AND PROCEDURES

- 4.1 There shall be an Allocation Committee which shall consist of the following members: the Republican State Chair, Vice Chair, Treasurer, Secretary, the Republican National Committeeman, the Republican National Committeewoman, one representative for each Republican presidential candidate whose name appeared on the Primary ballot pursuant to paragraph 3.3 of these rules and who received greater than 5% of the “final net Republican vote” in the Republican Primary and who is an enrolled Republican registered in Massachusetts, and six Regular Members of the State Committee who shall be ~~selected by the Republican State Chair~~ **nominated from the floor and elected by the State Committee** at its organizational meeting following the Presidential Primary. The General Counsel or his designee shall serve as an ex officio non-voting member of the Allocation Committee. The Allocation Committee shall meet and shall elect a Chair as soon as reasonably convenient and shall perform the duties assigned to it pursuant to these rules, but in any event it shall complete its responsibilities under paragraph 4.2 of these rules within one week after receipt of the certification of the Republican vote, but not later than April 17, 2016.
- 4.2 The Allocation Committee shall study the votes received in the Republican Primary of each presidential candidate and shall allocate all delegates based on a formula. A candidate in the Presidential Primary shall not qualify for allocation of any delegates unless the candidate receives at least 5% of the “final net Republican vote” statewide. The percentage of delegates and alternates allocated to a qualifying candidate shall be determined by taking the number of votes cast for the qualifying candidate divided by the total number of votes cast for all qualifying candidates. The votes for non-qualifying candidates shall not be used in this calculation. This percentage shall be applied to the total number of delegates and alternates allocated to the state delegation to determine the number of delegates and alternates that shall be allocated to the qualifying candidate. **Any fraction shall be rounded according to standard rounding procedures (round to the next highest whole number if the fraction is a one half or more; otherwise round down the next lowest whole number).** **If after these calculations the number of delegates allocated to candidates is less than or exceeds 39, the Allocation Committee shall use the following procedure for reducing or increasing the number of delegates.**
1. **The qualifying candidates shall be ranked by the number of statewide votes received from highest to lowest;**
 2. **To reduce to 39 delegates, the number of delegates allocated to the candidates shall be reduced by one beginning with the candidate that received the lowest statewide vote, then reducing by one delegate the**

number of delegates of the candidate with the second lowest statewide vote, and so on until the number of allocated delegates is 39;

3. To increase to 39 delegates, the number of delegates allocated to the candidates shall be increased by one beginning with the candidate that received the highest statewide vote, then increasing by one delegate the number of delegates of the candidate with the second highest statewide vote, and so on until the number of allocated delegates is 39.

- 4.3 The State Committee Chair shall present a plan for approval by the State Committee at the January meeting in 2016 which identifies caucus procedural rules and which identifies the date, time, and locations of Congressional district causes as follows. The plan shall include but not be limited to the places within each Congressional District and the times, within 60 days of the Primary, ~~at convenient places and times within each Congressional district to be chosen by the State Committee Chair no later than April x, 2016, so that, so that~~ each Congressional district shall caucus on the same day, to choose district delegates pledged in accordance with the Allocation Committee's district assignments. The Chair shall ensure that each caucus shall have a chair who is not a candidate for delegate or alternate delegate from that congressional district. Said caucus chair shall appoint such officers as may be necessary to conduct the business of the caucus. Notices of the call for any such caucus shall be published in newspapers of general circulation in the district, not less than fifteen (15) days prior to the date of such caucus. (Rule No. 16(e)(3) of the Rules of the Republican Party). Written notice shall be sent to all ward and town committee members and sustained efforts shall be made to publicize widely and encourage participation in the caucus by all eligible persons. Such publicity shall include the allocation of delegates to each candidate by Congressional district.
- 4.4 Each Congressional district caucus shall be open to all enrolled Republicans registered as of February 10, 2016, and resident in such district who shall, upon admittance, certify their qualifications to participate in the caucus by signing statements including their names, addresses, and Republican affiliation.
- 4.5 At the designated time and place, the caucus chair shall call the caucus to order and announce the delegate allotment assigned by the Allocation Committee to that district. The caucus chair shall summarize these rules and then declare the meeting open for nominations for delegates. A candidate for delegate or alternate delegate need not be present to be eligible for election, but must have expressed in writing to the caucus chair his or her willingness to serve if elected and certified and only those candidates for delegate or alternate delegate pledged to a presidential candidate entitled to a delegate or alternate delegate from that district may be nominated. Those candidates for delegate who are present may ask for recognition and state that they wish to be delegates. If a nomination is

seconded, the caucus chair will add the nominee's name to a list of nominees for delegate. After nominations are closed, each candidate for delegate will then have two minutes to speak and answer questions. Nominees for delegate shall speak in alphabetical order. Balloting for delegates shall be by paper ballot which shall be provided by the caucus chair. Each caucus participant shall write the name of his or her choice for delegate (or more than one delegate but only up to the number of delegates assigned to that district). If a caucus participant votes for more candidates for delegate than have been allocated to that caucus, the ballot shall be void. After delegates are selected, the same procedure shall be repeated for the election of alternate delegates. The highest vote getter for alternate delegate shall be the alternate for the highest vote getter for delegate, and so forth. In case of a tie vote, the Chairman of the respective Presidential candidates' state committees and the chairman of the allocation committee shall determine the outcome. The State Committee Parliamentarian or designee will be on call for the duration of said caucuses, **and but the caucus chair** shall be the final authority on all matters of procedure **while the caucus is being conducted** and may prescribe such additional procedural rules or guidance not inconsistent with these rules as he or she may deem appropriate. Each nominee for election as a pledged Congressional District delegate or alternate delegate shall express a commitment to a qualifying Presidential candidate **as assigned by the Allocation Committee** and agree to be bound to vote for that candidate on the first such roll-call **on a form provided by the Allocation Committee** unless released by such candidate, as required by law. c. 53 § 70(I)

- 4.6 The caucus chair shall report attendance and results of the caucus to the Republican State Chair within two business days following the adjournment of the caucus. Within five such business days, any participant in a district caucus may file a protest at the office of the Republican State Chair contesting any caucus participant's certification of residence or party affiliation or otherwise contesting the results of a caucus. Only protests material to the outcome of the caucus and involving matters which affect the rights of the individual filing the protest shall be acted upon. Protests shall **first be heard and decided** by the Allocation Committee at a meeting **no later than 14 days after receipt of a protest. At such hearing** the protesting and affected parties shall be given an opportunity to be heard. All protests must be in writing stating with reasonable specificity the objections raised. Any protest involving a certification must identify the individual(s) involved. **Appeals from the decision of the Allocation Committee may be made to the State Committee. Such an appeal shall be in writing to the State Committee no later than 3 days before the State Committee meeting at which at-large delegates shall be chosen pursuant to Rule 4.9. The Committee shall consider the Report of the Allocation Committee and the written appeal. The chair of the Allocation Committee shall have 5 minutes to present an oral**

report for each contest, and the parties affected shall have 5 minutes each to make an oral report. The Committee shall then decide on the appeal.

- 4.7 Each national presidential candidate's committee shall file with the Republican State Chair not less than ten days prior to the Primary the names of the Chair and officers of the Massachusetts committee responsible for representing the interests of that candidate in the delegate selection process (the "Presidential Candidate's State Committee").
- 4.8 In the event of a vacancy caused by the death, disqualification, or resignation of a Congressional district delegate prior to the convening of the Convention, the alternate to that delegate shall be the delegate and the next highest vote getter for alternate delegate will be the alternate delegate. In the event of such a vacancy of an alternate delegate, the next highest vote getter for alternate delegate will be the alternate delegate.
- 4.9 ~~Within 45 days after the Congressional district caucuses,~~ **No later than 45 days before the Convention convenes on July 18, 2016 but no earlier than the time required for filing protests pursuant to Rule 4.6,** the Republican State Committee shall meet to elect 12 delegates at large and 12 alternate delegates at large.
- 4.10 At said meeting, the Republican State Chair shall announce the allocation of pledged delegates and unpledged delegates, if any, to be elected. Nominations shall be in order from the floor as well as by communication from the respective qualifying Presidential Candidate's State Committees (or, in the absence of any such committee, that presidential candidate's representative, if any, on the Allocation Committee). All candidates for delegate at large may appear before the Republican State Committee and be allowed up to two minutes to speak. Each nominee for election as a pledged delegate at large shall express a commitment to a qualifying Presidential candidate **as assigned by the Allocation Committee** and agree to be bound to vote for that candidate on the first such roll-call **on a form provided by the Allocation Committee** unless released by such candidate, as required by law. Ch. 53, § 70(l)
- 4.11 At the conclusion of nominations, balloting shall commence in the same manner as in the Congressional district delegate elections. After the delegates at large are elected, the same procedure shall be repeated for the alternate delegates at large.
- 4.12 If a qualifying presidential candidate is not represented at the State Committee meeting at which at large delegates are elected, the certification process with respect to such candidate(s) may be performed by the Allocation Committee. In the event the Allocation Committee chooses not to participate in the certification

process, with respect to any such delegate or alternate delegate, the delegate or alternate delegate so elected shall be deemed to have been certified.

- 4.13 In the event of a vacancy caused by the death, disqualification, or resignation of an at large delegate or alternate delegate, his or her replacement shall be selected by the method specified in paragraph 4.8 of these rules for Congressional district delegates.
- 4.14 If a qualifying Republican candidate for President dies, withdraws, or changes his party registration after delegates and alternate delegates pledged to him have been certified pursuant hereto, then such delegates and alternate delegates shall be deemed to be released by that candidate and shall go to the convention unpledged. If a qualifying candidate for President dies, withdraws, or changes his party registration before delegates and alternate delegates pledged to him have been elected, then the delegates and alternate delegates, if any, that would otherwise have been allocated as pledged to such a candidate, shall be deemed to be unpledged delegates and alternate delegates by the Allocation Committee. If a qualifying Republican candidate for President dies, withdraws, or changes his party registration after delegates and alternate delegates pledged to him have been elected but before they have been certified pursuant to the paragraphs of this Plan, then the Allocation Committee shall perform the certification process consistent, to the extent practicable, with the intent and spirit of these rules, including the statutory mandate to reflect the preference expressed by the voters at the Primary. In this context, whenever the Allocation Committee is called upon to exercise its responsibilities in the event of any of the contingencies described in this paragraph, it shall seek guidance from the qualifying Presidential Candidates' state committee, if any.
- 4.15 There shall be no quorum requirement for Congressional district caucuses. Seven (7) members (whether or not "interested") shall constitute a quorum for all meetings of the Allocation Committee and any action required or permitted to be taken by said committee may be taken by a majority of those present and voting: provided, however, that no member of the Allocation Committee shall vote on any matter affecting his or her own right to sit as a delegate or an alternate delegate whether by reason of questions relating to qualification, certification, validity of election, or otherwise. To the extent not inconsistent with any applicable provisions of the Rules of the Republican Party, all Congressional district caucuses and all meetings of the Allocation Committee shall be conducted in accordance with the latest published version of Roberts' Rules of Order and all meetings of the Republican State Committee, for the purposes herein set forth, shall be conducted in accordance with the By-Laws of the Massachusetts Republican State Committee, including the latest published version of Roberts' Rules of Order to the extent

made applicable therein. The State Committee Parliamentarian shall be the final authority on all matters of the parliamentary procedure.

- 4.16 In the event of any ambiguities, inconsistencies, or unforeseen circumstances, this Plan shall be interpreted and construed by the State Committee ~~General Counsel~~, whose interpretation and construction shall be final and binding when made in accordance with applicable legal rules, laws, and regulations.

V. DEFINITIONS

- 5.1 “Unpledged delegate” shall be defined for the purposes of this Plan as a delegate to the Republican National Convention who is not bound by law to vote for a particular presidential candidate on the first ballot.
- 5.2 “Certified delegate” shall be defined for the purposes of the Plan as having been certified as acceptable by a qualifying Presidential Candidate’s state committee, or such presidential candidate’s representative on the Allocation Committee, if any. If neither exists, then the delegate may be certified by the Allocation Committee. In the case of a protest or an appeal, the Allocation Committee’s ratification or reversal shall be final. An elected delegate shall not be denied certification by a qualifying Presidential Candidate’s state committee, or such presidential candidate’s representative on the Allocation Committee, if any, without just cause. Any such proposed denial of certification will not be effective unless upheld by a majority vote of the Allocation Committee.
- 5.3 “Republican” shall be defined for the purposes of this Plan as any candidate enrolled as a member of the Republican Party of his or her domiciliary state or commonwealth. However, if that state or commonwealth does not register a party preference, a candidate may be considered a Republican for the purposes of this Plan if the presidential candidate notifies the Secretary of State of the Commonwealth of Massachusetts by a notarized document no later than the close of business on January 4, 2016 that he or she is a Republican. Any presidential candidate which does not fulfill either of these requirements shall be considered a “non-Republican.”
- 5.4 “Qualifying Republican candidate” shall be defined for the purposes of this Plan as that Republican who has received no less than 5% of net Republican votes in the presidential Primary in the Commonwealth of Massachusetts.
- 5.5 When used in this Plan, unless the context otherwise clearly requires, the word “certified” shall mean certified by a Presidential candidate’s state committee, such presidential candidate’s representative on the Allocation Committee, if any, the

September 16, 2015

Allocation Committee, or, in the case of a protest or an appeal, as ratified or reversed by the Allocation Committee.