

TITLE: DELEGATE SELECTION TO THE NATIONAL NOMINATING CONVENTION
Decision Item

SPONSORING COMMITTEE: Electoral Reform Working Group

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BACKGROUND:

The GPCA currently has no formal procedure for the selection of delegates to the national Presidential nominating convention. The GPCA does not have its own sections in the California Election Code, nor does its bylaws currently address this issue. Note that the current draft of proposed GPCA Elections Code sections (approved by consensus at the June 2006 General Assembly) expressly refers to GPCA bylaws in connection with the selection of delegates to Presidential nominating conventions.

In 2000, the GPCA adopted procedures to select delegates to the ASGP Presidential nominating convention, but those rules were intended for use only for that year. In September 2001, the General Assembly agreed by consensus that, among other provisions to proposed GPCA Election Code sections, “nominations for Green Party of California candidates for President and Vice-president of the United States...occur by primary election and not a convention.” The Green Party of the United States (GPUS) obtained national legal status in November 2003. In September 2003 (by consensus) and March 2004 (by vote), the GPCA General Assembly again adopted temporary procedures for the selection and distribution delegates and alternates to the GPUS Presidential nominating convention held in June 2004. The March 2004 rules, particularly related to how to treat March 2004 primary write-in votes, were a disputed compromise.

The following proposal is based on the 2003-2004 procedures, with attempts to address concerns and positions that arose during the March 2004 plenary - particularly issues about lack of notice of the rules before the primary, write-in votes, and the current inability of the GPCA to incorporate either NOTA as a voter choice or a ranked choice ballot as a voting method. In addition, since divisiveness has arisen concerning whether to bind delegates on more rounds of voting to ensure that voters are represented accurately, and since many Greens have great distaste for candidate control of delegates, we propose a method of voter representation, with maximum transparency to the voters, that also allows the delegation to use its judgment and conscience after the first round.

PROPOSAL:

The GPCA shall adopt the following new Article 13 and Procedures as an addition to the GPCA Bylaws and Procedures having the same effect as Bylaws except where express bylaws contradict those procedures as provided by GPCA Bylaws Article 12.

Add to GPCA Bylaws:

Article 13 Procedures For Selection of Delegates to the National Presidential Nominating Convention

“Procedures for the Selection and Governance of GPCA Delegates to the National Presidential Nominating Convention,” adopted by the GPCA concurrently with the adoption of this Article 13 on __[date of adoption]_, 2007, and as further amended from time to time, shall govern the matters therein described as though adopted as a Bylaw, shall have the effect of a bylaw unless expressly contradicted by a later adopted bylaw, and are incorporated by reference as a part herein as though fully re-stated as part of this Article 13. Those procedures, including subsequent amendments, shall be published on the Bylaws Committee section of the cagreens.org Website, with a link from the bylaws archive, and shall be included in any publication of the collected Procedures Supplement to the GPCA Bylaws.

Procedures for the Selection and Governance of GPCA Delegates to the National Presidential Nominating Convention

Section 1 Delegate Selection Committee

1.1 Appointment of Delegate Selection Committee

A special group called the Delegate Selection Committee shall be formed for the duration of each Presidential election cycle, not later than 180 days prior to the California Presidential primary election. It shall consist of eight members: two members appointed by the Electoral Reform Working Group (ERWG), two appointed by the California GPUS delegation, two appointed by the Campaigns and Candidates Working Group (CCWG), one appointed by the GPCA Bylaws Committee, and one appointed by the GPCA Coordinating Committee. No presidential or vice-presidential candidates or current campaign staff for these candidates are eligible to serve to the Delegate Selection Committee.

1.2 Responsibilities of Delegate Selection Committee

The Delegate Selection Committee shall be an ad hoc committee of the General Assembly empowered to select and credential the California delegation to the national Presidential nominating convention in accordance with the methods described in the following Sections.

Section 2 Delegate Allotments

2.1 GPCA Delegation

The applicable Green Party of the United States (GPUS) rules and committee(s) shall determine the maximum number of delegates allotted to the GPCA for the national Presidential nominating convention. The maximum number of alternates shall be the same as the number of allotted delegates.

2.2 Candidate Allotments

The number of delegates allotted to each candidate shall be determined according to the percentage of votes each receives in the California Green Party Presidential primary election. Candidate slate delegates are only bound to vote for the candidate for the first round convention vote; candidates do not control or have any right to bind the delegates of their allotted votes after the first ballot. A candidate shall be entitled to at least one GPCA first round delegate vote only

if the candidate receives a number of votes in the Primary Election at least equal to the number of total votes cast for President in the primary divided by the total number of GPCA delegates determined in Paragraph 2.1. Candidates who do not receive this minimum number of votes do not qualify for first round GPCA delegate votes at the national convention. The Delegate Selection Committee shall determine which candidates are entitled to at least one first-round vote, and then use the Method of Equal Proportions, referenced in the appendix to the GPCA Bylaws, to allocate the number of delegates to candidates.

2.3 Write-In Candidates

Except as otherwise provided, write-in votes, to the extent that write-in votes can be tabulated, shall be included in calculating the delegate allotment to candidates. As used in these rules, write-in votes include write-in votes both for candidates certified as write-in candidates pursuant to the Elections Code of the State of California and for candidates who receive determinable votes even in the absence of such certification. The Delegate Selection Committee shall make every effort to collect available information on write-in votes prior to the delegate selection process.

2.4 None of the Above

Until “None of the Above” (NOTA) can be included as a voting alternative in the GPCA Presidential primary election, NOTA votes shall be calculated from those candidates not seeking nomination in another political party who did not receive enough votes to qualify for at least one delegate as described in the preceding sections. If a candidate does not wish to be represented by a NOTA vote in the event of receiving insufficient votes to qualify for a first round delegate, the candidate may choose to have the number of his/her voters omitted from the calculation by notifying the Delegate Selection Committee prior to the Presidential primary. The Delegate Selection Committee shall total the votes for those candidates who did not qualify for at least one delegate, including ascertainable write-in votes for certified write-in candidates, and excluding those candidates who chose to be excluded and those seeking nomination in another political party. If the cumulative total of votes for NOTA exceeds the qualifying threshold established in Section 2.2, then the number of delegates resulting from the calculation shall be pledged to vote NOTA in the first round of voting at the national nominating convention.

2.5 Protecting party integrity

Notwithstanding any other provision of these rules, unless the GPCA General Assembly approves an exception, any candidate seeking nomination for President or Vice President by another political party, shall not be entitled to receive any GPCA delegate votes, and write-in votes for such a candidate shall be disregarded in calculating first round ballot NOTA votes.

2.6 County and Diversity Allotments

Each active county and diversity caucus recognized as such by the GPCA shall be entitled to at least one delegate and one alternate on the delegation. The committee shall calculate the total number of delegates assigned to each active county, using the Method of Equal Proportions referenced in the appendix to the GPCA bylaws. Under-represented diversity groups are defined as racial or other diversity groups that are under-represented in the Green Party by a factor of two or more relative to their proportion of the California population (e.g., African American, Hispanic). The Delegate Selection Committee shall define these groups and their recommended allotments to the best of their ability, using estimates where exact figures are unavailable, for the sole purpose of delegate selection for the national convention of the current electoral cycle. The committee shall use its judgment to determine a recommended allotment that best compensates

for under-representation of diversity groups without leaving seats on the delegation empty.

Section 3 Delegate Slates

3.1 Delegate slate method

As described in the following Paragraphs, delegate slates shall be submitted to the Delegate Selection Committee by ballot-qualified Presidential candidates and certified write-in Presidential candidates as well as by each recognized active GPCA county organization (Paragraphs 3-2 and 5-4.2 of the GPCA bylaws) and recognized diversity caucuses, in accordance with the following criteria.

3.2 Membership requirement

All potential delegates and alternates submitted on delegate slates must be members of the GPCA (Paragraph 3-1.3 of the GPCA bylaws) at the time the slate is submitted and must remain members of the GPCA through the time of the convention in order to ultimately serve on the delegation. Candidates, active counties and recognized diversity caucuses shall verify the valid GPCA membership of each person listed on their delegate slate prior to submission of the slate.

3.3 Candidate representation through elected slates

Voters for each candidate will be represented by a delegate slate submitted by their candidate of choice. The Delegate Selection Committee shall appoint a GPCA member to recruit a delegate slate for those who voted for “None of the Above” (NOTA) and non-qualifying candidates. The person appointed to recruit the NOTA slate shall be a person considered by the committee to hold a similar political viewpoint to NOTA voters.

3.4 Diversity of candidate slates

When drafting their slates of approved delegates, candidates must strive for racial diversity, gender balance and balanced geographical representation in addition to representation of their political views, to the extent possible for their slate size. Candidates are expected to make every effort to compensate for the under-representation of under-represented diversity groups with active recruitment of potential delegates for their slate from those constituencies.

3.5 County and recognized diversity caucus delegate slates

Recognized active county organizations and any diversity caucus recognized as such by the GPCA shall provide a pool of potential delegates and alternates from which the Delegate Selection Committee shall fill those delegation seats not filled by candidate slates.

3.6 Diversity of county slates

When drafting slates of approved delegates, county parties shall strive for racial diversity and gender balance to the extent possible for their slate size. County parties are expected to compensate for the under-representation of under-represented diversity groups with active recruitment of potential delegates for their slate from those constituencies.

3.7 Submission of delegate slates

Candidates, active counties, and diversity caucuses shall submit their list of names of potential delegates and alternates, along with contact information for each person listed, to the Delegate Selection Committee no later than 60 days prior to the California Presidential primary election.

3.8 Publication of candidate delegate slates

To provide transparency to voters, the Delegate Selection Committee shall publish all submitted candidate delegate slates at least six weeks prior to the Presidential primary election on the GPCA cagreens.org Website. The IT group shall provide a link to these slates from the GPCA home page, at least until the national nominating convention. The URLs of the candidate delegate slates shall be published in any issues of Green Focus that are published between Web-publication of the lists and the Presidential primary election.

Section 4 Delegate Selection

4.1 Selecting delegates from slates

The Delegate Selection Committee shall choose delegates to the national nominating convention from submitted slates according to the process detailed in the following Paragraphs.

4.2 Method of selection from delegate slates

The Delegate Selection Committee shall select the first available delegate from each unrepresented allotment, in order of size of total allocation (determined by the Method of Equal Proportions). Delegates from candidate slates shall count toward the county allotments of their respective counties and toward diversity allotments of any diversity group to which they belong. Preference shall be given to candidate slates to fill county and diversity allotments until either the candidate allotments are filled or the candidate runs out of delegates to meet the county or diversity allotment. Diversity criteria described in Paragraph 4.4 may slightly alter the order of selection. This process shall be continued until each allotment either runs out of proposed delegates or is fully represented. After delegate selections are complete, alternate selections shall proceed in the same manner, with an alternate for a specific delegate being chosen from the same candidate, county or diversity allotment wherever possible, and in that order of precedence. Delegates and alternates who can not attend are replaced by those lower on the respective slate, in order. Since potential delegates may be listed on more than one candidate's, county's or caucus's slate, the Delegate Selection Committee must track when a delegate has been assigned to a candidate, and if so, to which candidate, to prevent a delegate from being assigned twice.

4.3 Unfilled delegate allotments

If a candidate has not submitted a slate by the deadline or if a candidate's list runs out before their allotted delegation has been filled, the Delegate Selection Committee shall appoint the remaining number of delegates from county and diversity caucus slates without input from the candidate. If all delegate slates run out before all allotments are filled, the committee shall attempt to recruit GPCA members for the delegation, making every effort to fill the various allotments.

4.4 Diversity of selection

Wherever possible, the Delegate Selection Committee shall adhere to the Method of Equal Proportions order for the rotation between slates and the order of delegates on the slates for the actual selection of delegates and alternates. The committee shall also endeavor to select a delegation that includes at least one delegate and one alternate from each recognized active county organization, includes at least 45% each of male and female delegates, and meets the diversity allotments defined by the committee pursuant to 2.6 of these Procedures. The committee shall use its judgments to weigh the various criteria and determine if an alteration of the selection order is necessary to best meet the criteria. If such an alteration is deemed necessary, the committee may alter selection order within the following restrictions. If necessary

to achieve a diversity allotment, the committee may choose the next person of an under-represented group, even if this person is not the very next person on the list. This must be the next person of the under-represented group on the slate. The committee must resume the order of the slate where it left off after this selection. The committee may also alter the order of rotation between slates when necessary to meet diversity allotments, and must resume the order of rotation between the slates after this selection.

4.5 Delegate registration

Once selected, each delegate and alternate shall promptly register with the Delegate Selection Committee as a delegate or alternate to the national nominating convention. The GPCA Liaison to the Secretary of State shall use the voter registration database to verify that each registered delegate is a member of the GPCA. Those delegates who are ineligible to vote but have been extended GPCA membership by their county parties must provide a letter of verification of membership from their county council with their registration. Delegates who fail to register by at least 45 days before the date of the national nominating convention may be replaced by the Delegate Selection Committee according to the criteria in the following Paragraph.

4.6 Replacement of unregistered delegates

The Delegate Selection Committee, is authorized to appoint GPCA members to replace those persons disqualified by their failure to timely confirm their registration. In the case of replacing a delegate from a candidate's allotted delegation, preference shall be given to any person remaining on the candidate slate or, if none remain, people who support that candidate. In the case of replacing a delegate filling a county or diversity caucus allotment, preference shall be given to the applicable county or caucus.

5 Delegation Voting Rules

5.1 Voter representation

GPCA delegates and alternates to the national nominating convention are pledged to support the Presidential and Vice Presidential nominees selected by voters in the GPCA Presidential primary election.

5.2 Collective voting

The delegation shall cast its votes collectively, as a delegation. For the first round of voting, the delegation is bound to cast its votes proportionally to match the results of the California Presidential primary election according to the definitions in Paragraph 2.2 through 2.4. As described in Paragraph 2.5, the delegation may not cast any votes for any candidate seeking nomination for President or Vice President by another political party.

5.3 Caucusing

In the event a Green Party candidate for President or Vice President is not chosen during the first ballot at the national nominating convention, GPCA delegates shall caucus at the convention for each subsequent vote to arrive at their collective sense of the will of the GPCA primary voters in that situation. Until such time as ranked ballot voting results are used in GPCA primary elections, the delegation shall use the Presidential primary results, paired with available statewide ranked voting results (described in Section 6), as a guide to the preferences of GPCA primary voters. Based on these guides and existing formulas for the distribution of delegates, the delegation shall determine the distribution of GPCA delegate votes to best represent the will of the voters.

5.4 Activation of alternates

When a delegate is not present during convention proceedings, their designated alternate shall act in her or his place – except, in the event that alternate also is absent, then the GPCA delegates present may select an alternate to temporarily replace the missing delegate with a GPCA alternate who is present. Alternates are bound by the same instructions and rules for voting as apply to delegates. Activated alternates may participate fully in straw polls and internal votes of the delegation; inactive alternates may participate in discussion, but not in straw polls or votes.

5.5 Decision-making process

The delegation shall deliberate for a period to see if a consensus distribution of votes naturally emerges. If consensus is not achieved this way, the delegation shall take a straw poll of hands to see how much support there is for each proposed valid distribution of votes. A valid distribution of votes is defined as a *proportional* distribution of the votes, including all candidates who have not yet been eliminated and still have support on the delegation. The distribution of votes with the most support shall be taken through a short consensus process, with emphasis on negotiation between opposing viewpoints. If this fails to get consensus, it may go to a vote with a 2/3 voting threshold. If it fails to get 2/3 support, the delegation shall take an IRV vote on the proposed valid distributions of votes. The delegation is then bound to cast its collective vote according to the distribution of votes that wins the IRV vote.

5.6 Transparency of deliberations

The delegation shall record the results of any internal votes in a final report to the GPCA to be published on the cagreens.org Website for the duration of the Presidential election cycle. Any distribution arrived at by less than consensus must include the option of recording unresolved concerns or a minority report in the report to the GPCA.

5.7 Casting collective votes

Prior to commencement of the convention votes, the delegation shall elect a spokesperson. The spokesperson shall report the entire distribution of GPCA votes to the national convention after each delegation decision.

5.8 Accountability of spokesperson

If a GPCA delegation spokesperson reports a delegation decision inaccurately, any GPCA delegate may call a point of process and report the mistake or misrepresentation, requesting a recall of the vote while the delegation resumes its caucus. If a majority of the delegation agree that the result was mis-reported, the delegation shall choose a new spokesperson to report the vote accurately.

Section 6 Ascertaining Ranked Preferences

6.1 Ranked primary election data

In the event ranked ballot voting becomes available for use in GPCA Primary Elections, ranked voting choices shall be tabulated to create a statewide ranking of candidate preferences (including NOTA).

6.2 Membership polling

Until GPCA primary elections provide ranked voting data, one or more of the following polling methods (listed in order of priority for delegates' consideration) may be used to assist the GPCA

delegates in making their collective decisions on second and additional ballots at the national nominating convention:

- a) Prior to, and ending not later than the close of polls for the GPCA primary election, the GPCA may conduct a telephone poll of a randomly selected scientific sample of GPCA registered voters to obtain a survey of ranked preference results.
- b) Prior to, and requiring return delivery not later than the day of the GPCA primary election, the GPCA may conduct a mailed poll of a randomly selected scientific sample of GPCA registered voters to obtain a survey of ranked preference results.
- c) Prior to, and requiring return delivery not later than the day of the GPCA primary election, the GPCA may conduct a county poll, using the delegate apportionment for the General Assembly to obtain the ranked preferences of GPCA registered voters participating in that poll.

6.3 Using poll results

The results of any of the above-described ranked ballot survey methods, separately or cumulatively, shall be considered advisory only and shall not be binding upon the GPCA delegates attending a national nominating convention. However, delegates are expected to honor the intent of this approved process unless contravening circumstances require other actions.

TIMELINE: Adoption at the May 2007 plenary to be implemented for the 2008 Presidential cycle already underway.

RESOURCES: ERWG or subcommittee personnel for collection of candidate lists, making sure lists adhere to requirements, and selection of delegates.

The ERWG will need to propose funding sufficient to meet telephone and mailed survey expenses as part of its 2007-2008 Fiscal Year budget requests. The ERWG will need to coordinate with Green Focus or other publications to include a published survey in a timely manner. The ERWG will need to coordinate its own Webpage resources or work with the Internet Technology Committee to electronically publish and retrieve Internet survey results and to publish candidate's delegate lists at least 6 weeks prior to the primary election.

This proposal only establishes procedures for selection of GPCA delegates and alternates to the national Presidential nominating convention. Whether the GPCA provides financial assistance for delegate expenses (e.g., travel, lodging, registration) depends on what is approved in the applicable budget.

COMMITTEE DECISION: Two separate proposals have been discussed over a period of months on the ERWG, Bylaws Committee, and CCWG email lists. This proposal is a consensus synthesis of those proposals, with all proponents making compromises in some of their original positions.

CONSENSUS approval for plenary by ERWG on March 12, 2007 teleconference.