

# 2024 Presidential Nominating Process: Frequently Asked Questions

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# 2024 Presidential Nominating Process: Frequently Asked Questions

The presidential nominating process is one of the most complex aspects of American politics. This report provides brief answers to selected frequently asked questions about that process in 2024. In some cases, the topics addressed herein are developing rapidly and are subject to change.

Both major parties select their presidential and vice-presidential nominees every four years through an extended process that can involve caucuses, conventions, primary elections, or a combination thereof. Each party establishes its own rules about how nominees are selected and how state parties may participate in that process, culminating in the quadrennial national nominating conventions. These meetings are important occasions in the nation's political life and traditionally mark the end of the nomination phase of the presidential campaign season for their respective parties. For 2024, the Democratic Convention is scheduled for August 19-22 in Chicago, IL. The Republican Convention is scheduled for July 15-18 in Milwaukee, WI.

Democrats and Republicans use different methods to select their delegates within states and to allocate their votes at the national conventions. These include a combination of delegates who are pledged to particular candidates and selected at state nominating events, as well as those who are automatic delegates by virtue of their party positions. Both parties may penalize states that do not adhere to party rules surrounding delegate selection and allocation.

Both major parties award delegates based at least partially on a state's previous support for the party's presidential nominees. For 2024, Democrats expected to allocate a total of 4,521 delegates, and Republicans expected to allocate a total of 2,429 delegates.

The presidential nominating process is a political one, not a governmental one. Political parties are private entities and are generally free to set their own rules for how they select presidential and vice-presidential nominees. Federal or state election laws set some boundaries, particularly those guaranteeing fundamental voting-rights protections (e.g., through the Voting Rights Act). Federal campaign finance law also regulates all aspects of fundraising and spending affecting presidential campaigns, including during the nomination phase.

Congress does not have formal institutional roles in the presidential nominating process, which is governed by political parties. Congress typically does not legislate on the nomination process itself. Individual Members of Congress can and often do choose to be actively involved, in their unofficial capacities, in presidential campaigns and to attend presidential nominating conventions as delegates. Policy matters related to the nominating process could arise as part of the House and Senate's elections oversight or appropriations duties, such as through providing funding for convention security or considering of federal election legislation.

This report provides general policy information about the nomination process. It does not provide detailed discussion of party rules, which the parties alone interpret and enforce. Members of Congress or staff members who are participating in the nominating process or serving as convention delegates often consult with their state or national party committees regarding their individual roles and responsibilities, and interpretation of party rules.

This report will be updated in the event of substantial changes in the 2024 presidential nominating process.

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## Introduction

The presidential nominating process is one of the most complex aspects of American politics. It has varied substantially throughout U.S. political history and is the product of national and state party rules, federal and state election laws, political culture, and the changing nature of campaigns and elections themselves.<sup>1</sup> Entire scholarly volumes provide overviews of the presidential nominating process.<sup>2</sup> Political professionals develop careers devoted to the nominating process, and nominating convention fights have been some of the most dramatic events in American political history.<sup>3</sup> This report focuses on a small portion of that complexity.

The report is designed to provide brief answers to selected frequently asked questions about the 2024 presidential nominating process. The report addresses nomination procedures for the national Democratic and Republican parties. It does not discuss independent or third-party candidacies. In some cases, the topics addressed herein are developing rapidly and are subject to change. In addition, the practical details of some topics are known only to the politicians, party officials, and small cadre of political professionals who specialize in the nominating process.

Both major parties select their presidential and vice-presidential nominees every four years through an extended process that includes caucuses or conventions that can begin at the precinct level, through state-administered primary elections that are based on party rules, or a combination thereof. Each party establishes its own rules about how nominees are selected and how state parties may participate in that process, culminating in the quadrennial national nominating conventions.

Both parties may penalize states (e.g., by reducing or refusing to recognize their delegations) that the national committees, conventions, or both determine deviate from their delegate selection plans or party rules.<sup>4</sup> Both parties have established detailed procedures, which are beyond the

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<sup>1</sup> CRS Research Assistant Tyler Wolanin provided research assistance for this report. For historical discussion of some of the topics discussed herein, see CRS Report R42139, *Contemporary Developments in Presidential Elections*, by Kevin J. Coleman, R. Sam Garrett, and Thomas H. Neale; and CRS Report R42533, *The Presidential Nominating Process and the National Party Conventions, 2016: Frequently Asked Questions*, by R. Sam Garrett, originally authored by Kevin J. Coleman. Kevin J. Coleman and Thomas H. Neale are former CRS analysts. R. Sam Garrett is available to congressional offices to answer questions about CRS reports on these topics.

<sup>2</sup> See, for example, Elaine C. Kamarck, *Primary Politics: Everything You Need to Know About How America Nominates Its Presidential Candidates*, 4<sup>th</sup> ed. (Washington: Brookings Institution Press, 2023); Candice J. Nelson, *Grant Park: The Democratization of Presidential Elections, 1968-2008* (Washington: Brookings Institution Press, 2011); and Byron E. Shafer, *Bifurcated Politics: Evolution and Reform in the National Party Convention* (New York: Cambridge University Press, 1988).

<sup>3</sup> See, for example, Jon Ward, *Camelot's End: Kennedy vs. Carter and the Fight That Broke the Democratic Party* (New York: Twelve, 2019), pp. 253-273; and Adam Wren, "'It Was Riotous': An Oral History of the GOP's Last Open Convention," *Politico Magazine*, April 2016, <https://www.politico.com/magazine/story/2016/04/1976-convention-oral-history-213793/>.

<sup>4</sup> For example, the Democratic Rules and Bylaws Committee (RBC) reportedly restored New Hampshire's convention delegation after the state party submitted an updated Delegate Selection Plan following a January 23, 2024, primary that the national party did not recognize. See, for example, Will Weissert and Leah Askarinam, "The DNC Restores New Hampshire's Delegates After a Second Nominating Event Unknown to Many Democrats," Associated Press, April 30, 2024, <https://apnews.com/article/dnc-new-hampshire-primary-ending-primary-fued-ca4ac2af23098f6f43aeb11bc27d0d59>. In addition, the Republican Committee on Contests reportedly rejected Missouri's initial national-convention delegates after the contest committee found irregularities in the credentialing process at the state convention. See, for example, Rudi Keller, "Missouri Presidential Delegates Rejected by Republican National Convention Committee," *Missouri Independent*, July 2, 2024, <https://missouriindependent.com/2024/07/02/missouri-presidential-delegates-rejected-by-republican-national-convention-committee/>.

scope of this report, for challenges related to delegate selection, credentials, and rules enforcement.<sup>5</sup>

Modern conventions typically have been carefully orchestrated events.<sup>6</sup> The identity of the eventual nominee has not been in serious doubt at the start of a major party convention in decades. Contested conventions—used in this report to indicate more than one ballot required to select a nominee—have not occurred since 1952 for Democrats and 1948 for Republicans. Parties and campaigns try to avoid major unexpected developments, including disputes about convention decisions or functioning. If disputes do arise, resolution depends on the circumstances and on relevant party rules.

## Scope of the Report

Political parties are responsible for administering their own nominating processes and interpreting their own rules. This report serves as a resource for Members of Congress and staff members exercising their legislative, oversight, and appropriations duties. Members of Congress or staff members who are participating in the nominating process or serving as convention delegates often consult with their state or national party committees regarding their individual roles and responsibilities, and interpretation of party rules.

Parts of the report highlight aspects of party rules, regulations, and documents known as *calls of the convention*.<sup>7</sup> The report is not intended to authoritatively interpret those documents, or to address individual compliance scenarios for political committees, convention delegates, or voters. Parties or conventions also could amend or interpret their rules and processes in ways not documented in this report. The report does not provide legal analysis.

This report uses the term *state parties* to include state, territorial, or District of Columbia (DC) Democratic and Republican parties. In some cases, national party rules distinguish between states and other jurisdictions in ways that are generally beyond the scope of this report. In addition, any relevant state-level requirements, including state party rules, are beyond the scope of this report.

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<sup>5</sup> See, for example, Appendix A in Democratic Party of the United States, *Call for the 2024 Democratic National Convention*, September 10, 2022, <https://democrats.org/wp-content/uploads/2023/03/2024-Call-for-Convention.pdf> (hereinafter “Democratic Party, *Call for the 2024 Democratic National Convention*”); and Rules 17 and 23 in Republican National Convention (2020), *The Rules of the Republican Party*, August 24, 2020, amended by the Republican National Committee (RNC), April 14, 2022, pp. 26-28 and 32-34, see also pp. 38-39, [https://prod-static.gop.com/media/Rules\\_Of\\_The\\_Republican\\_Party.pdf](https://prod-static.gop.com/media/Rules_Of_The_Republican_Party.pdf) (hereinafter “RNC, *The Rules of the Republican Party*.”)

<sup>6</sup> See, for example, Costas Panagopoulos, ed., *Rewiring Politics: Presidential Nominating Conventions in the Media Age* (Baton Rouge, LA: Louisiana State University Press, 2007).

<sup>7</sup> In some cases, party rules or regulations discussed in this report appear in multiple party documents. For example, a provision that appears in a *call of the convention* might also appear in, or have origins in, party rules. This report cites the document used to prepare the report. It does not speculate on the potential relationship between various party documents or on the origin of provisions that appear in multiple documents. For the Democratic *Call*, see Democratic Party, *Call for the 2024 Democratic National Convention*, <https://democrats.org/wp-content/uploads/2023/03/2024-Call-for-Convention.pdf>. For the Republican *Call*, see Republican National Committee, *Call of the 2024 Republican National Convention*, November 20, 2023, [https://prod-static.gop.com/media/documents/2024\\_Call\\_of\\_the\\_Convention\\_as\\_adopted\\_11.20.23\\_1700517775.pdf?\\_gl=1](https://prod-static.gop.com/media/documents/2024_Call_of_the_Convention_as_adopted_11.20.23_1700517775.pdf?_gl=1) (hereinafter “RNC, *Call of the 2024 Republican National Convention*”).

## Frequently Asked Questions

### Does Congress play a formal role in the nominating process?

The House and Senate do not have formal institutional roles in the presidential nominating process, which is governed by political parties. Individual Members of Congress can and often do choose to be actively involved in presidential campaigns in their unofficial capacities, either as candidates themselves or as advocates for another candidate. In addition, Members of Congress often attend the national nominating conventions and serve as delegates.

Congress does not typically legislate on how parties select their nominees. However, policy matters related to the nominating process could arise as part of the House and Senate's elections oversight or appropriations duties.<sup>8</sup> As discussed elsewhere in this report, for example, Congress has appropriated funds for convention security.<sup>9</sup>

### What roles might Members of Congress play at the national nominating conventions?

Nominating conventions are discussed in more detail later in this report. Some Members of Congress attend and participate in conventions, but the events are not official governmental or congressional functions.<sup>10</sup> Both parties award what are called *automatic* delegates, who could include Members of Congress—and always do for Democrats.

- Democratic Representatives and Senators participate in conventions as what are called *party leader and elected official* (PLEO) delegates, commonly known as *superdelegates*. These include the party's Members of Congress, President, Vice President, Governors, Democratic National Committee (DNC) members, and certain former elected officials, such as Presidents and Vice Presidents and members of congressional leadership. They are not pledged to particular candidates, although these delegates might choose to support a particular candidate.
- Republican Members of Congress could run as pledged delegates from their state parties to the national Republican convention. Republicans do not have a position akin to Democratic superdelegates (PLEOs). Republican National Committee (RNC) members serve as automatic delegates to the national convention.<sup>11</sup>

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<sup>8</sup> The Committee on House Administration and the Senate Committee on Rules and Administration have primary jurisdiction on matters related to federal campaign finance and elections policy. The Judiciary Committees in the House and Senate have primary jurisdiction over voting rights issues. The Ethics Committees in each chamber also provide guidance on Member and staff political activities, potentially including during the nomination process.

<sup>9</sup> See the “Does the federal government finance convention security?” section of this report for additional discussion.

<sup>10</sup> As another CRS product discusses, conventions are designated as National Special Security Events (NSSEs), which entails security-support roles for federal agencies. See CRS In Focus IF11555, *Presidential Candidate and Nominating Convention Security*, by Shawn Reese. See also CRS Report R47439, *Special Event Security and National Special Security Events: A Summary and Issues for Congressional Consideration*, by Shawn Reese.

<sup>11</sup> It is possible that a Republican Member of Congress could serve as an automatic delegate if that person also represented a state as a member of the RNC.

## What is the relationship between the nomination phase of the election and the general election?

The nomination period and the general-election period mark two different phases of the election cycle.<sup>12</sup> Multiple candidates typically run for nomination during party caucuses, primary elections, or conventions (discussed below), whereas one major presidential candidate per party runs for the general election. Political parties rely on nominating events to select their party's candidate, or *nominee*, for the general election. The general election culminates on election day—November 5 in 2024—when voters nationwide cast their ballots for presidential electors.<sup>13</sup> Another CRS product provides a brief overview of the electoral college process used to select presidential electors.<sup>14</sup>

## What are the different types of nominating methods?

Party rules, in some cases codified in state law, specify how those parties nominate presidential candidates. As discussed later in this report, national party rules can substantially affect state party rules.

Parties generally nominate presidential candidates through a combination of caucuses, conventions, and primary elections. These methods are not necessarily mutually exclusive.

- *Caucuses*, most notably those in Iowa, involve gathering voters in centralized locations to debate for and choose delegates who are expected to support their preferred candidates at subsequent levels of party caucuses or conventions (e.g., county or state). Selection at caucuses may occur through debate and convening of like-minded candidate groups, rather than by secret ballot.
- *Conventions* at the state level operate similarly to the national meetings discussed elsewhere in this report. Delegates meet at conventions to debate policy platforms and options for nominees.
- *Primaries*—in which voters cast ballots for their preferred candidate as they would in a typical election (e.g., at a polling place or by mail)—are especially common. State election officials administer primaries as they would other elections, albeit generally using party rules. There are multiple primary systems across the states, territories, and DC.<sup>15</sup> The two most common primary types are

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<sup>12</sup> This report refers to the primary election as the period before nomination and to the general election as the period after nomination. Formal definitions of primary versus general election periods can be particularly relevant for compliance with campaign finance law, and with presidential public financing (where applicable) requirements in tax law that intersect with campaign finance law. On *election* and *election cycle* definitions, see 52 U.S.C. §30101(1); 52 U.S.C. §30101(25); and 26 U.S.C. §9002(10). Campaign finance is generally beyond the scope of this report. For additional discussion, see CRS Report R41542, *The State of Campaign Finance Policy: Recent Developments and Issues for Congress*, by R. Sam Garrett; and CRS Report R45320, *Campaign Finance Law: An Analysis of Key Issues, Recent Developments, and Constitutional Considerations for Legislation*, by L. Paige Whitaker. Unofficially, such as in media accounts, distinctions between the primary and the general are often political assessments.

<sup>13</sup> The date on which individual voters cast their ballots varies. Some jurisdictions permit early voting. In addition, deadlines for returning mail ballots vary by jurisdiction, as do deadlines for receiving absentee ballots from overseas citizens. For overviews of these topics, see CRS In Focus IF11477, *Early Voting and Mail Voting: Overview & Issues for Congress*, by Sarah J. Eckman and Karen L. Shanton; and CRS In Focus IF11642, *Absentee Voting for Uniformed Services and Overseas Citizens: Roles and Process, In Brief*, by R. Sam Garrett.

<sup>14</sup> CRS In Focus IF12682, *Electoral College Overview*, by R. Sam Garrett.

<sup>15</sup> See, for example, “State Primary Election Types,” National Conference of State Legislatures, updated February 6, (continued...)

known as *closed* and *open*. As their names suggest, voters in closed primaries must be registered with the party to participate. By contrast, voters affiliated with any party or no party generally may participate in open primaries. Variations also exist between the open and closed ends of the primary spectrum. Some states, for example, permit unaffiliated voters to participate in a party primary, but do not permit voters affiliated with an opposing party to participate.

## What roles do federal or state elections laws, versus party rules, have in the nominating process?

Parties govern the nominating process. Furthermore, parties are private entities, not governmental ones. Parties may establish their own criteria for participation in nominating events—such as requiring affiliation with the party to vote in a primary, as several state parties do. In some cases, these or other provisions are codified in state election laws. State parties, election laws, or both also often specify different processes and requirements for presidential nominations versus those for congressional or other offices.<sup>16</sup>

Party rules generally play a larger role in nominating processes than do federal or state election laws.<sup>17</sup> There are notable exceptions. For example, Section 2 of the federal Voting Rights Act (VRA) prohibits voter discrimination, including in nominating processes, based on race, color, or minority language status.<sup>18</sup> In addition, contribution limits and other campaign finance provisions in the Federal Election Campaign Act (FECA) regulate all aspects of fundraising and spending during federal nominating contests and general elections.<sup>19</sup> Other federal election statutes, such as the Help America Vote Act (HAVA) and the National Voter Registration Act (NVRA) establish state responsibilities for aspects of voter registration and election administration.<sup>20</sup> Such provisions may affect voter eligibility for or participation in primary elections, but they do not regulate the nominating process per se.

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2024, <https://www.ncsl.org/elections-and-campaigns/state-primary-election-types>; and “How States Differentiate Presidential Primaries from State Primaries,” National Conference of State Legislatures, updated August 8, 2023, <https://www.ncsl.org/elections-and-campaigns/how-states-differentiate-presidential-primaries-from-state-primaries>.

<sup>16</sup> See, for example, National Conference of State Legislatures, *How States Differentiate Presidential Primaries from State Primaries*, updated August 8, 2023, <https://www.ncsl.org/elections-and-campaigns/how-states-differentiate-presidential-primaries-from-state-primaries>.

<sup>17</sup> As noted previously, legal analysis is beyond the scope of this report. As the CRS *Constitution Annotated* explains, “The right of association generally protects a political party’s decisions about its internal structure and processes for choosing candidates for national office.” For additional discussion, see CRS Constitution Annotated, “Amdt1.8.2.2, Election Laws,” [https://constitution.congress.gov/browse/essay/amdt1-8-2-2/ALDE\\_00013141/](https://constitution.congress.gov/browse/essay/amdt1-8-2-2/ALDE_00013141/). On recent legal issues related to ballot access for presidential candidates, see CRS Legal Sidebar LSB11096, *Disqualification of a Candidate for the Presidency, Part II: Examining Section 3 of the Fourteenth Amendment as It Applies to Ballot Access*, by L. Paige Whitaker, Jennifer K. Elsea, and Juria L. Jones.

<sup>18</sup> See CRS Report R47520, *The Voting Rights Act: Historical Development and Policy Background*, by R. Sam Garrett; and CRS Legal Sidebar LSB10624, *Voting Rights Act: Supreme Court Provides “Guideposts” for Determining Violations of Section 2 in Brnovich v. DNC*, by L. Paige Whitaker.

<sup>19</sup> On contribution limits, see Table 1 in CRS Report R41542, *The State of Campaign Finance Policy: Recent Developments and Issues for Congress*, by R. Sam Garrett.

<sup>20</sup> See, for example, CRS Report R46949, *The Help America Vote Act of 2002 (HAVA): Overview and Ongoing Role in Election Administration Policy*, by Karen L. Shanton; and CRS Report R45030, *Federal Role in Voter Registration: The National Voter Registration Act of 1993 (NVRA) and Subsequent Developments*, by Sarah J. Eckman, respectively.

## Were there notable changes in the nominating calendar for 2024?

Democrats significantly altered their nomination calendar compared with some previous years.<sup>21</sup> Perhaps most notably, Democrats chose not to begin their nominating season with the Iowa caucuses and New Hampshire primary, as the party had since the 1970s. Aspects of these changes were controversial and are generally beyond the scope of this report. In brief, the calendar changes followed protracted debate within the party about whether Iowa and New Hampshire adequately represented national demographics and produced the most nationally competitive candidates. The DNC Rules and Bylaws Committee (RBC) began reconsidering the nominating calendar in 2021, and solicited proposals from multiple states to begin the 2024 nominating season. Ultimately, the DNC sanctioned the first primary in South Carolina on February 3, with Nevada and Michigan following later in the month.<sup>22</sup>

Republicans did not significantly alter their nominating calendar in 2024 compared with other recent election cycles.

## What is the purpose of the national party conventions?

Both major parties rely on quadrennial meetings to adopt platforms, set party rules, and, most importantly, select presidential and vice-presidential nominees. These events are important occasions in the nation's political life and traditionally mark the beginning of the general election season.

Both major parties establish separate committees to manage their convention operations. Typically, the Democratic body is called the *Democratic National Convention Committee*. The Republican counterpart is called the *Committee on Arrangements for the Republican National Convention*.

## When and where is the 2024 Democratic National Convention?

The Democratic Convention is scheduled for August 19-22 in Chicago, IL.

## When and where is the 2024 Republican National Convention?

The Republican Convention is scheduled for July 15-18 in Milwaukee, WI.

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<sup>21</sup> Recent Democratic changes in the party's presidential nomination process were rooted in controversy over aspects of the 2016 process. A party Unity Reform Commission made several recommendations concerning the roles of superdelegates and the primary calendar, among other factors, much of which subsequent party rules incorporated. See Unity Reform Commission, *Report of the Unity Reform Commission*, adopted December 8-9, 2017, [https://democrats.org/wp-content/uploads/2018/10/URC\\_Report\\_FINAL.pdf](https://democrats.org/wp-content/uploads/2018/10/URC_Report_FINAL.pdf).

<sup>22</sup> For a brief overview, see Elaine C. Kamarck, "Primaries: The Key to Understanding Party Factions," in *Campaigns and Elections American Style: The Changing Landscape of Political Campaigns*, 6<sup>th</sup> ed., ed. Candice J. Nelson, James A. Thurber, and David A. Dulio (New York: Routledge, 2024), pp. 231-235. The RBC reportedly restored New Hampshire's convention delegation after the state party submitted an updated Delegate Selection Plan following a January 23 primary that the national party did not recognize. See, for example, Will Weissert and Leah Askarinam, "The DNC Restores New Hampshire's Delegates After a Second Nominating Event Unknown to Many Democrats," Associated Press, April 30, 2024, <https://apnews.com/article/dnc-new-hampshire-primary-ending-primary-fued-ca4ac2af23098f6f43aeb11bc27d0d59>. For a chronological list of presidential nominating events (which do not necessarily reflect developments such as those noted above), see "2024 Presidential and Congressional Primary Dates in Chronological Order," Federal Election Commission, data as of April 25, 2024, pp. 4-5, <https://www.fec.gov/resources/cms-content/documents/2024pdates.pdf>.

## How are national convention delegates selected and allocated?

Democrats and Republicans use different methods to select their delegates within states and to allocate their votes at the national conventions. To become the presidential or vice-presidential nominee at the convention, a candidate is required to win a majority of delegate votes. In general, both parties rely on two kinds of delegates: those who are *pledged* to particular candidates and selected at state nominating events and those who are *automatic* delegates by virtue of their party positions. Each party's terminology varies.

The Democratic rules are generally more complicated than the Republican ones. Both parties may penalize states (e.g., by reducing or refusing to recognize their delegations) that the national committees, conventions, or both determine deviate from their delegate selection plans or party rules.<sup>23</sup> In addition, both parties have established detailed procedures, which are beyond the scope of this report, for challenges related to delegate selection, credentials, and rules enforcement.<sup>24</sup>

Highlights of the delegate-selection processes appear below.<sup>25</sup>

### Democrats

- Democrats rely on a combination of two types of national convention delegates: (1) those who are pledged to support particular candidates by virtue of their selection through state delegate-selection processes and (2) party leader and elected official (PLEO) delegates that are allocated automatically, commonly called *superdelegates*. The latter hold their positions by virtue of their party- or elected-official status. PLEOs include the party's Members of Congress, President, Vice President, Governors, DNC members, and certain former elected officials, such as Presidents and Vice Presidents and members of congressional leadership. Although they are free agents in that they are not pledged to particular candidates, superdelegates often declare support for a particular candidate.
- In 2024, only pledged delegates vote in the first round of the presidential roll call, unless the party secretary confirms that a candidate has obtained a majority of pledged delegates.<sup>26</sup>

<sup>23</sup> For example, as noted previously, the Democratic RBC reportedly restored New Hampshire's convention delegation after the state party submitted an updated Delegate Selection Plan following a January 23 primary that the national party did not recognize. See, for example, Will Weissert and Leah Askarinam, "The DNC Restores New Hampshire's Delegates After a Second Nominating Event Unknown to Many Democrats," Associated Press, April 30, 2024, <https://apnews.com/article/dnc-new-hampshire-primary-ending-primary-fued-ca4ac2af23098f6f43aeb11bc27d0d59>. In addition, the Republican Committee on Contests reportedly rejected Missouri's initial national-convention delegates after the contest committee found irregularities in the credentialing process at the state convention. See, for example, Rudi Keller, "Missouri Presidential Delegates Rejected by Republican National Convention Committee," *Missouri Independent*, July 2, 2024, <https://missouriindependent.com/2024/07/02/missouri-presidential-delegates-rejected-by-republican-national-convention-committee/>.

<sup>24</sup> See, for example, Appendix A in Democratic Party, *Call for the 2024 Democratic National Convention*; and Rules 17 and 23 in RNC, *The Rules of the Republican Party*, pp. 26-28 and 32-34; see also pp. 38-39.

<sup>25</sup> As noted previously, this report does not address state-party processes in detail. For overviews for Democrats, see, for example, "2024 Democratic Delegate Allocation and Selection by State," Frontloading HQ, <http://www.frontloadinghq.com/p/2024-democratic-delegate-allocation-and.html>; and "Democratic Delegate Rules, 2024," Ballotpedia, [https://ballotpedia.org/Democratic\\_delegate\\_rules,\\_2024](https://ballotpedia.org/Democratic_delegate_rules,_2024). For Republicans, see, for example, Frontloading HQ, "2024 Republican Delegate Allocation Rules by State, State-by-state breakdown," <https://www.frontloadinghq.com/p/2024-republican-delegate-allocation.html>; and Ballotpedia, "Republican Delegate Rules, 2024," [https://ballotpedia.org/Republican\\_delegate\\_rules,\\_2024](https://ballotpedia.org/Republican_delegate_rules,_2024).

<sup>26</sup> See Art. IX.C.7.b in Democratic Party, *Call for the 2024 Democratic National Convention*, pp. 16-17.

- For 2024, Democrats expected to allocate a total of 4,521 delegates. Of that total, 3,770 (approximately 83.5%) represented pledged delegate votes; 749 (approximately 16.5%) represented automatic (PLEO or superdelegate) votes.<sup>27</sup>
- For 2024, Democrats will allocate pledged delegates based on a formula specified in the *Call of the Convention*.<sup>28</sup> That formula divides delegates among the 50 states and DC to account for the jurisdiction's support for the Democratic candidate in the previous three election cycles. Past support for Democratic candidates thus gives states and DC additional strength in a variable known as the *allocation factor* used to award delegates.<sup>29</sup> Delegate allocation also may be adjusted based on the timing of nominating events and geography, among other factors.<sup>30</sup>
- Detailed *Delegate Selection Rules* documents govern how individual state parties may select their pledged national-convention delegates.<sup>31</sup> The DNC Rules and Bylaws Committee (RBC) may consider, require changes to, and approve Delegate Selection Plans.<sup>32</sup>
- Democratic rules require consideration of demographics in delegate allocation. For example, Democratic Delegate Selection Rule 6(C) requires state plans to “provide for equal division between delegate men and delegate women.”<sup>33</sup> In addition, state parties must include an Affirmative Action Plan and an Outreach and Inclusion Program in their Delegate Selection Plans.<sup>34</sup>

## Republicans

- Republicans also rely on two types of national convention delegates, but the model is different than the Democratic method: (1) most Republican delegates are chosen through state selection events (e.g., caucuses, conventions, or primaries) and are generally pledged to particular candidates, and (2) RNC members serve as automatic delegates.<sup>35</sup>
- Republicans do not have a position akin to Democratic PLEOs (superdelegates). The automatic RNC delegates represent a far smaller share of total delegates at

<sup>27</sup> See Appendix B in Democratic Party, *Call for the 2024 Democratic National Convention*. CRS calculated the percentages based on the totals in the cited source.

<sup>28</sup> On allocations for specific jurisdictions, see Appendix B in Democratic Party, *Call for the 2024 Democratic National Convention*.

<sup>29</sup> The base allocation is 3,200 delegates, which is multiplied by the allocation factor. The 2024 Democratic allocation factor formula, is as follows:

$A = \frac{1}{2}[(SDV_{2012} + SDV_{2016} + SDV_{2020}) / (TDV_{2012} + TDV_{2016} + TDV_{2020})] + (SEV/538)$ , where A = allocation factor; SDV = state Democratic vote; SEV = state electoral vote; and TDV = total Democratic vote. CRS reformatted the formula from Democratic Party, *Call for the 2024 Democratic National Convention*, p. 1.

<sup>30</sup> See Art. I in Democratic Party, *Call for the 2024 Democratic National Convention*, pp. 1-3.

<sup>31</sup> See Democratic National Committee (DNC), *Delegate Selection Rules for the 2024 Democratic National Convention*, September 10, 2023, <https://democrats.org/wp-content/uploads/2023/03/2024-Delegate-Selection-Rules.pdf> (hereinafter “DNC, *Delegate Selection Rules for the 2024 Democratic National Convention*”).

<sup>32</sup> In general, see Rule 1 in DNC, *Delegate Selection Rules for the 2024 Democratic National Convention*, pp. 1-2.

<sup>33</sup> DNC, *Delegate Selection Rules for the 2024 Democratic National Convention*, Rule 6, pp. 7-8.

<sup>34</sup> DNC, *Delegate Selection Rules for the 2024 Democratic National Convention*, Rules 6-7, pp. 7-10.

<sup>35</sup> See, for example, “2024 Republican Delegate Allocation Rules by State, State-by-State Breakdown,” Frontloading HQ, <https://www.frontloadinghq.com/p/2024-republican-delegate-allocation.html>; and “Republican Delegate Rules, 2024, Pledged vs. Unpledged Delegates,” Ballotpedia, [https://ballotpedia.org/Republican\\_delegate\\_rules,\\_2024](https://ballotpedia.org/Republican_delegate_rules,_2024).

- the Republican convention than do Democratic superdelegates at the latter's national convention. Republican automatic delegates are not necessarily free agents in the same way as Democratic superdelegates.<sup>36</sup>
- For 2024, Republicans expected to allocate a total of 2,429 delegates. Of that total, 2,261 (approximately 93.1%) represented delegates selected at state events; 168 (approximately 6.9%) represented automatic votes from RNC members.<sup>37</sup>
  - For 2024, Republicans allocate state-selected delegates based on criteria established in the *Call of the Convention*. (Most of these delegates are selected based on support for particular candidates, but some state parties permit “unallocated” delegates.)
  - In brief, Rule 14 in the *Call* provides a base allocation of 10 delegates from each of the 50 states, plus the automatic RNC delegates (the national committeeman, the national committeewoman, and the state party chairperson), and three district delegates for each U.S. House district. Separate allocations apply to U.S. territories and DC.<sup>38</sup>
  - In addition, somewhat similar to Democratic procedures, Republican allocation criteria provide more delegates for states that have previously supported Republican candidates. However, the Republican allocation method is different than the allocation factor used by Democrats.<sup>39</sup> Under Rule 14 for Republicans, those states in which a majority of voters supported the party's presidential candidate in the previous election receive four and one-half at-large delegates “plus a number of the delegates at large equal to sixty percent (60%) of the number of electoral votes of that state.”<sup>40</sup> Additional delegates are awarded for states that have demonstrated other electoral support for Republican candidates, such as by electing Governors, U.S. Senators, majorities in a state's U.S. House delegation, or majorities in the state legislature.<sup>41</sup>
  - Republicans do not appear to use a formal process for approving state delegate-selection plans akin to the RBC review process that Democrats use. However, Rule 16 of the Republican *Call of the Convention* specifies various criteria required of state parties when selecting delegates. In addition, Republican rules establish a Standing Committee on Contests to adjudicate challenges to delegate selection.<sup>42</sup> Delegate allocation may be adjusted based on the timing of nominating events and geography, among other factors.<sup>43</sup>
  - Party rules also require a nominee to obtain a minimum level of geographic support. Under Rule 40(b)(2) of the *Call*, “[b]eginning with the 2020 national convention and for each convention thereafter, each candidate for nomination for President of the United States and Vice President of the United States shall

<sup>36</sup> Additionally, Republican Party rules permit the RNC to declare vacant the seat of an automatic delegate who does not support the party nominee. See RNC, *The Rules of the Republican Party*, Rule 4(b), p. 2.

<sup>37</sup> See RNC, *Call of the 2024 Republican National Convention*, pp. 41-52. CRS calculated the percentages based on the totals in the cited source.

<sup>38</sup> RNC, *Call of the 2024 Republican National Convention*, Rule 14, pp. 3-6.

<sup>39</sup> On allocations for specific jurisdictions, see RNC, *Call of the 2024 Republican National Convention*, pp. 41-52.

<sup>40</sup> RNC, *Call of the 2024 Republican National Convention*, Rule 14(a)(5), p. 4.

<sup>41</sup> RNC, *Call of the 2024 Republican National Convention*, Rule 14(a)(6)-(a)(8), pp. 4-6.

<sup>42</sup> RNC, *The Rules of the Republican Party*, see especially Rules 23 and 24, pp. 31-33.

<sup>43</sup> See, for example, RNC, *Call of the 2024 Republican National Convention*, Rule 16; pp. 8-15; see also pp. 38-39.

- demonstrate the support of a plurality of the delegates from each of five (5) or more states, severally, prior to the presentation of the name of that candidate for nomination.”<sup>44</sup>
- The Republican *Call of the Convention* specifies that states “shall endeavor to have equal representation of men and women in its delegation to the Republican National Convention.”<sup>45</sup>

## Do U.S. territories receive convention delegates?

Yes. Although voters registered in U.S. territories do not participate in the general election through the electoral college, both major parties provide fixed numbers of delegates to the territories.<sup>46</sup>

## How do national party rules address whether delegates are bound to support specific candidates at the national conventions?

For both parties, convention delegates who hold their positions because they were selected at state nominating events are typically expected to support the candidate who they pledged to support at the nominating event. Democratic superdelegates do not necessarily pledge to support particular candidates, although they often do support a particular candidate. Candidates who do not expect to have a sufficient majority to win the nomination, or who otherwise choose to do so, may release their pledged delegates. The released delegates could then support another candidate.

Importantly, the nature and extent of binding obligations in specific scenarios would depend on individual circumstances and interpretation of party rules, which are beyond the scope of this report. In addition, any relevant state-level requirements also are beyond the scope of this report. Highlights for each major party’s national rules appear below.

### Democrats

For Democrats, Article IX of the 2024 *Call of the Convention* concerns convention procedural rules. Portions of the article might be relevant for the issue of binding.

- Article IX.F.3.d requires that “[a]ll delegates to the National Convention pledged to a presidential candidate shall in all good conscience reflect the sentiments of those who elected them.”<sup>47</sup>

In addition, Democratic Delegate Selection Rule 13(D) permits candidates to approve of the people who wish to serve as pledged delegates.<sup>48</sup>

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<sup>44</sup> RNC, *Call of the 2024 Republican National Convention*, p. 33.

<sup>45</sup> RNC, *Call of the 2024 Republican National Convention*, Rule 15(g), p. 8.

<sup>46</sup> For Democrats in 2024, see Article I.E in Democratic Party, *Call for the 2024 Democratic National Convention*, p. 2. The Democratic Convention also includes delegates representing Democrats Abroad. For Republicans in 2024, see Rule 14(a)(2) and Rule 14(a)(4) in RNC, *Call of the 2024 Republican National Convention*, p. 4.

<sup>47</sup> Democratic Party, *Call for the 2024 Democratic National Convention*, p. 19. Additionally, Article IX.N states that “each delegate ... expressly agrees that they will not publicly support or campaign for any candidate for President or Vice President other than the nominees of the Democratic National Convention” or a replacement nominee in the event of a vacancy. See Democratic Party, *Call for the 2024 Democratic National Convention*, p. 21.

<sup>48</sup> DNC, *Delegate Selection Rules for the 2024 Democratic National Convention*, p. 13.

## Republicans

- Rule 16 of the 2024 *Call of the Convention* governs “binding and allocation” of delegates.<sup>49</sup> Under Rule 16, delegates are bound to their pledged candidate as determined in the state’s nominating event (e.g., a primary). In particular, under Rule 16(a)(1), “[a]ny statewide presidential preference vote that permits a choice among candidates for the Republican nomination for President of the United States in a primary, caucus, or state convention must be used to allocate and bind the state’s delegation to the national convention in either a proportional or winner-take-all manner for at least one round of balloting.”<sup>50</sup>

## What is the significance of the reported virtual nominating event before the 2024 Democratic National Convention?

According to media reports, Democrats have discussed holding a virtual roll call before the start of the party convention to officially nominate their presidential and vice-presidential candidates.<sup>51</sup> The virtual roll call reportedly developed to remedy a conflict arising from the starting date of the Democratic National Convention, scheduled for August 19, that falls after the deadline to certify general-election ballots in Ohio.<sup>52</sup> Potential conflicts with state deadlines also reportedly arose in Alabama and Washington.<sup>53</sup> Democrats held a similar virtual roll call in 2020.

## How are the conventions financed?

Conventions are privately financed from voluntary contributions. Through the 2012 conventions, voluntary taxpayer designations provided certain financial support to convention committees that chose to accept public money through the Presidential Election Campaign Fund (PECF). The PECF is funded by voluntary designations on individual income tax returns. Congress repealed the convention-funding portion of the presidential public financing program in 2014.<sup>54</sup> As noted below, Congress has provided separate funding for convention security.

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<sup>49</sup> RNC, *Call of the 2024 Republican National Convention*, Rule 16, pp. 8-15.

<sup>50</sup> RNC, *Call of the 2024 Republican National Convention*, pp. 8-9. Additionally, Rule 4(b) of the *Rules of the Republican Party* permits the RNC to “declare vacant the seat of any [RNC] member who refuses to support the Republican nominee for President of the United States or Vice President of the United States.” See RNC, *The Rules of the Republican Party*, p. 2. As noted previously, RNC members serve as automatic delegates at the national convention.

<sup>51</sup> See, for example, Seung Min Kim and Bruce Shipkowski, “Democrats Plan to Nominate Biden by Virtual Roll Call to Meet Ohio Ballot Deadline,” *Associated Press*, May 28, 2024, <https://apnews.com/article/ohio-ballot-biden-access-3bf359cce8e73714be45cb99a6e31546wa>; and Ken Thomas, “Democrats to Nominate Biden by Virtual Roll Call Before Convention,” *Wall Street Journal*, updated May 28, 2024, <https://www.wsj.com/politics/policy/democrats-to-nominate-biden-by-virtual-roll-call-before-convention-3c01d343>.

<sup>52</sup> The details of this dispute, and of related activity in the Ohio legislature to amend the certification date, are beyond the scope of this report. For additional discussion, see, for example, Haley BeMiller, “Ohio House Changes Ballot Deadline for President Biden, Democrats Say It Comes With Cost,” *Columbus Dispatch*, May 30, 2024.

<sup>53</sup> See, for example, Isabella Murray and Juhi Doshi, “Washington Rule Could Leave Biden Off the November Ballot, but State Has a Solution,” *ABC News*, April 12, 2024, <https://abcnews.go.com/Politics/washington-latest-state-leave-biden-off-november-ballot/story?id=109088864>.

<sup>54</sup> See P.L. 113-194 and 26 U.S.C. 9008(i). For additional discussion of campaign finance issues, see CRS Report R41542, *The State of Campaign Finance Policy: Recent Developments and Issues for Congress*, by R. Sam Garrett.

## Does the federal government finance convention security?

Yes. Most notably, Congress has appropriated funding for security costs incurred by state and local governments hosting the conventions through the Department of Justice's Office of Justice Programs (OJP). This OJP funding, specifically through the Edward Byrne Memorial Justice Assistance Grant program, has been available for all major party conventions since the September 11, 2001, terrorist attacks.

Congress appropriated a total of \$150 million for the 2024 presidential nominating conventions, primarily to reimburse states and localities for law enforcement costs associated with securing the convention sites.<sup>55</sup>

Another CRS product provides additional discussion of candidate and convention security.<sup>56</sup>

## What is a contested convention?

Different sources use different terms to refer to conventions that begin without a clear front-runner. This report uses *contested convention* to refer to one in which delegates require more than one ballot to select the party's presidential nominee because no candidate wins an initial majority. Contested conventions are also sometimes called *multiballot* or *open* conventions. Some sources use the *contested* and *brokered* labels interchangeably while others make historical distinctions about which term is more appropriate for a given era.<sup>57</sup>

## When were the most recent contested conventions?

Neither major party has required multiple ballots to select a presidential nominee since the 1952 Democratic National Convention and the 1948 Republican National Convention. The 1952 Democratic convention resulted in Senator Adlai Stevenson's nomination; Republicans nominated Governor Thomas Dewey in 1948—both after the third ballot.<sup>58</sup> Presumptive nominees have faced challenges since that time, including questions about whether a convention

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<sup>55</sup> The \$150 million came in two different amounts: \$125 million from Byrne Grant funding and \$25 million from unexpended balances in the PECE. See Title II in P.L. 118-42, Division C, Title II; and U.S. Congress, House Appropriations Committee, *Consolidated Appropriations Act, 2024*, committee print on H.R. 4366/P.L. 118-42, Legislative Text and Explanatory Statement, 118<sup>th</sup> Cong., 2<sup>nd</sup> sess., Book 1 of 2, Divisions A-F, <https://www.congress.gov/118/cprt/HPRT55007/CPRT-118HPRT55007.pdf>, p. 435.

<sup>56</sup> CRS In Focus IF11555, *Presidential Candidate and Nominating Convention Security*, by Shawn Reese.

<sup>57</sup> For brief historical overviews and examples of uses of different terminology and convention descriptions, see, for example, Drew DeSilver, "Contested Presidential Conventions and Why Parties Try to Avoid Them," Pew Research Center, February 4, 2016, <https://www.pewresearch.org/short-reads/2016/02/04/contested-presidential-conventions-and-why-parties-try-to-avoid-them/>; and Maria Cramer, "A Brokered Convention? Here's What's Happened Before," *New York Times*, updated March 3, 2020, <https://www.nytimes.com/2020/02/27/us/politics/brokered-democratic-convention.html>. On historical nominating processes in the American South, see, for example, V.O. Key, Jr., with the assistance of Alexander Heard, *Southern Politics in State and Nation: A New Edition* (Knoxville, TN: University of Tennessee Press, 1984), pp. 406-442.

<sup>58</sup> See, respectively, Democratic National Committee, *Official Report of the Proceedings of the Democratic National Convention* (Washington: Democratic National Committee, 1952), p. 539; and Republican National Committee, *Official Report of the Proceedings of the Twenty-Fourth Republican National Convention* (Washington: Republican National Committee, 1948), p. 278. See also, for example, Drew DeSilver, "Contested Presidential Conventions and Why Parties Try to Avoid Them," Pew Research Center, February 4, 2016, <https://www.pewresearch.org/short-reads/2016/02/04/contested-presidential-conventions-and-why-parties-try-to-avoid-them/>.

would require multiple ballots. None resulted in a contested convention that required multiple ballots.<sup>59</sup>

## What if a nominee vacancy arises after the convention concludes?

Party rules allow for the DNC and the RNC to select a nominee if a vacancy arises after the convention, or for the RNC to reconvene a convention. Such a situation also could involve interpretation of party rules and parliamentary questions that are beyond the scope of this report and that would have to be addressed by party leadership.

### Democrats

- Under Article IX.G of the *Call of the Convention*, “[i]n the event of death, resignation or disability” of a presidential or vice-presidential nominee after the convention, “the National Chairperson of the [DNC] shall confer with the Democratic leadership of the United States Congress and the Democratic Governors Association and shall report to the [DNC], which is authorized to fill the vacancy or vacancies.”<sup>60</sup>

### Republicans

- Under the *Rules of the Republican Party*, Rule 9 authorizes the RNC to “fill any and all vacancies which may occur by reason of death, declination, or otherwise of the Republican candidate for President of the United States or the Republican candidate for Vice President of the United States, as nominated by the convention.”<sup>61</sup>
- Under Rule 9, RNC members representing their states would have the same number of votes as the state delegation at the national convention. The rule also permits division of votes if a state’s RNC members disagree about which candidates to support.<sup>62</sup> A candidate must receive a majority of votes to be selected as the new nominee.<sup>63</sup>
- The rule also permits the RNC to instead “reconvene the national convention for the purpose of filling any such vacancies.”<sup>64</sup>

## Other Potential Considerations Applying to Both Parties

Although party rules govern the selection of a new nominee, they do not address factors such as establishing a viable campaign organization, fundraising, and state-level ballot access

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<sup>59</sup> See, for example, Jon Ward, *Camelot’s End: Kennedy vs. Carter and the Fight That Broke the Democratic Party* (New York: Twelve, 2019), pp. 253-273; and see Adam Wren, “‘It Was Riotous’: An Oral History of the GOP’s Last Open Convention,” *Politico Magazine*, April 2016, <https://www.politico.com/magazine/story/2016/04/1976-convention-oral-history-213793/>.

<sup>60</sup> See Art. IX.G in Democratic Party, *Call for the 2024 Democratic National Convention*, p. 20.

<sup>61</sup> RNC, *The Rules of the Republican Party*, Rule 9(a), pp. 8-9.

<sup>62</sup> RNC, *The Rules of the Republican Party*, Rule 9(b)-9(c), p. 9.

<sup>63</sup> RNC, *The Rules of the Republican Party*, Rule 9(d), p. 9.

<sup>64</sup> RNC, *The Rules of the Republican Party*, Rule 9(a), pp. 8-9.

requirements. Those topics are beyond the scope of this report, but could be important practical considerations if unexpectedly selecting a nominee late in the campaign season.<sup>65</sup>

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<sup>65</sup> For discussion of various hypothetical scenarios and timelines, see, for example, Oren Oppenheim, Isabella Murray, and Geoffrey Skelley, "What If Biden or Trump Suddenly Leaves the 2024 Race?," *ABC News*, January 8, 2024, <https://abcnews.go.com/538/biden-trump-suddenly-leaves-2024-race/story?id=106136493>; and Philip Bump, "What If November's Likely Biden-Trump Rematch Suddenly Isn't?," *Washington Post*, February 9, 2024, <https://www.washingtonpost.com/politics/2024/02/09/what-if-this-novembers-likely-biden-trump-rematch-suddenly-isnt/>.