

## Memorandum

### Proposed Rule Amendment Regarding Delegates to National Convention

Summary – This rule amendment changes the nature of the New York State Republican Presidential Primary from a winner take all statewide election to a proportional election with congressional district delegates being elected by separate & distinct congressional district elections and At-Large delegates being awarded based upon statewide vote results.

Number of Delegates – The number of delegates for New York State will be determined by the Call for the national convention and will be based upon the results of the 2010 reapportionment. It is expected that New York will be allocated 95 delegates and 92 alternate delegates (27 congressional districts x 3 = 81; 11 At-Large's + 3 RNC members).

Ballot Access – Presidential candidates qualify for the ballot through a two pronged process. First, they must establish their viability by establishing that they have satisfied the federal requirements for presidential matching funds or that they are otherwise a serious, nationally recognized candidate. Presidential candidates also have the option of circulating statewide designating petitions (5000 signatures). Second, presidential candidates must file a complete slate of proposed congressional district delegates and alternate delegates from every congressional district. These proposed delegates will serve as the actual congressional district delegates depending upon the election results from the various congressional districts.

#### Election of Congressional District Delegates

Each congressional district shall conduct a separate and distinct primary election. If a presidential candidate receives majority of the vote from a congressional district, that presidential candidate shall be awarded 3 delegates and 3 alternate delegates for that congressional district. The individuals to serve as delegates and alternate delegates shall be taken from the slate of proposed delegates submitted by the winning presidential candidate.

If no presidential candidate receives a majority of the vote in a congressional district, the presidential candidate receiving the most votes shall be awarded 2 delegates and 2 alternate delegates and the presidential candidate receiving the second most votes shall be awarded 1 delegate and 1 alternate delegate. A presidential candidate, however, must receive at least 20% of the vote within a congressional district in order to be awarded any delegates.

If Republican National Committee rules or the National Convention Call allow and if New York State has not enacted new congressional redistricting by 12 weeks before the date of the presidential primary, 2 delegates and 2 alternate delegates will be elected from each of the old, pre-apportionment congressional districts. The presidential candidate receiving the most votes in the congressional district shall be awarded both delegates and both alternate delegates. This contingency rule is based upon the rules used for the 1992 National Convention and is necessary because the Call for the Convention will be based upon 2010 reapportionment but New York State would not have enacted redistricting based upon the 2010 reapportionment (29 congressional districts to 27 congressional districts).

#### Election of At-Large Delegates

At-Large delegates and At-Large alternate delegates shall be elected by the New York Republican State Committee and awarded to presidential candidates based upon the statewide vote results of the presidential primary. A presidential candidate who receives a majority of the statewide vote shall be awarded all the At-Large delegates and At-Large alternate delegates. If no presidential candidate receives a statewide vote majority, At-Large delegates and At-Large alternate delegates shall be apportioned and awarded to presidential candidates who receive 20% or more of the statewide vote.