



Written by [Kurt Hyde](#) on July 15, 2016

Will the GOP Rewrite the Delegate Rules in Cleveland?

When Republicans voted in their caucuses and primaries earlier this year, most voters thought they were giving instructions to their states' delegates on how to vote in the initial rounds of convention voting. Rules for primary votes have traditionally been set at the state level, such as the following example from *The Rules of the Republican Party of Texas*, Section 10. Pledge of Delegates and Alternates:



First Nomination [sic] Convention Ballot: A delegate or alternate shall be released from the pledge only in the event of death, withdrawal, or by decision of the candidate.

Second Nominating Convention Ballot: A delegate or alternate shall be released from the pledge if the candidate has failed to receive twenty percent (20%) or more of the total vote cast on the preceding ballot; or by decision of the candidate.

Third and Subsequent Nominating Convention Ballots: All delegates and alternates are released from any pledge.

In 2012, many Ron Paul enthusiasts were elected to become delegates and alternates to the Republican National Convention in Tampa, Florida. They wanted to vote for Ron Paul on the first ballot, but were not allowed to do so because the Republican Party leadership informed them that the rules in place would be strictly enforced. But the 2016 Republican National Convention is different. The presumptive nominee in 2016 is not the choice of the establishment Republicans, and suddenly the rules are open to change after the process has begun.

The people who sought to become delegates and alternates to the 2016 Republican National Convention in Cleveland knew at the time that they were running that they were to be voting representatives of others' votes, at least on the initial round or two of balloting, depending on state law or state party rules. Now many delegates want to change the rules to unbind them from the commitments they made when they wanted to become delegates. Such rules changes would further centralize power because they would over-rule state party rules and state laws.

This writer was a delegate to the Republican state conventions in Texas in both 2012 and 2016. At the 2012 state convention in Fort Worth, candidates for delegate and alternate positions were instructed, sometimes even in strongly worded statements, that they would not be allowed to change their vote on the first round. At the 2016 state convention in Dallas, there were no such admonishments. In fact, this author attempted to become a Trump delegate or alternate at the 26th Congressional District Caucus and was told no because I was for Trump. The caucus was dominated by people from the Ted Cruz campaign, the candidate who had supposedly suspended his campaign, and they had the votes at the caucus to keep a Trump supporter from being a Trump delegate.

What Are the Chances for Such a Rules Change?

The movement to unbind the delegates is gaining momentum under the slogan "Vote their consciences." Of course, not mentioned is whether or not their consciences should hold them



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accountable to live up to previous commitments they made to make their initial votes as representatives of the voters in their primaries and caucuses. The *Wall Street Journal* in a front page article on July 7 entitled “Trump’s Party Foes Mounting Last Drive” reports “they are remarkably close to getting past the first hurdle.” Some of these delegates have gone to court, such as those from Virginia who are affected by the [lawsuit *Correll v. Herring*](#).

What are the chances for such rules changes? Perhaps the best way to answer that question is to look at the rules changes in the last Republican National Convention in 2012. Numerous rules were changed that favored Mitt Romney over Ron Paul. For example, Ron Paul’s name wasn’t placed in nomination because RNC Rule 40 was changed. Going into the convention, Ron Paul was supposed to have had his name placed in nomination because Rule 40 required a candidate to have plurality of five states and estimates were that Ron Paul had met this requirement in seven or eight states. Rule 40 was changed just prior to the convention to require a majority of eight state delegations. Tom Mechler, chairman of the Republican Party of Texas, was a member of the 2012 RNC Rules Committee. He was asked about this in a debate sponsored by the Denton County Republican Assembly on April 5 of this year. Mechler responded:

There was a great effort that was made by Mitt Romney’s campaign basically to change that Rule, 40b.... It was the plurality of five states and it was changed to a majority of eight states. Is that a big deal? You bet it’s a big deal. Why? Because Ron Paul had, I believe, a majority of seven states. The goal was keep him from being nominated because they didn’t think that would look good.

In addition to changing RNC Rule 40, the credentials of 10 of the Ron Paul delegates from Maine were revoked, and they were replaced with Mitt Romney supporters.

Another rules change at the 2012 convention was the controversial manner in which RNC Rule 12 was adopted. This rule greatly increased the centralization of power in the Republican Party. Prior to the floor vote on this, the leader of the opposition to this, Virginia delegate Morton Blackwell, was detained because the bus bringing the Virginia delegates was late picking them up and bus driver became mysteriously confused about where to drop off the delegates once they got near the convention center. [The New American interviewed two of the Rhode Island delegates](#) who were on the same bus.

[When the resolution was adopted](#), one of the delegates was videotaping from the floor. The words “In the opinion of the Chair, the ‘ayes’ have it” were clearly visible on the monitor screen before John Boehner spoke to them. In some areas of the floor those shouting Aye were louder and in some areas those shouting No were louder. Calls from the floor for a recorded vote were ignored. The rules of Parliamentary Procedure were ignored.

It will be interesting to see which rules will be strictly enforced, which rules will be modified, and which rules will not be enforced at the 2016 Republican National Convention. To paraphrase George Orwell, it appears all the rules are equally enforced, just some of them more equally than others.



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