



Recent Developments in the Democratic Presidential Nominating Process

Updated August 1, 2024

On July 21, 2024, President Joseph Biden [announced](#) that he would no longer seek the Democratic presidential nomination. This CRS Insight discusses selected issues that could be of interest to Congress as the party's nominating process proceeds toward the Democratic National Convention in August. With issues discussed herein developing rapidly, this Insight does not attempt to cover all issues that might be relevant before the nominating process concludes. The Insight does not provide legal analysis.

Former President Donald Trump [accepted](#) the Republican nomination on July 18, 2024, and the Insight does not discuss the now-concluded Republican process. [Another CRS product](#) discusses frequently asked questions about the 2024 presidential nominating process for both major parties.

Status of the Nominating Process

At the time of his withdrawal announcement, President Biden was not yet the Democratic nominee for the party's 2024 presidential ticket. [According to the Associated Press](#), President Biden had secured 3,896 pledged delegates (discussed below)—exceeding the 1,976 required for nomination. The formal nomination does not occur until delegates cast their votes, typically at the national convention. Hours after President Biden's announcement, Democratic National Convention Chair Minyon Moore [announced](#) that the party's quadrennial meeting would proceed as scheduled August 19-22 in Chicago.

The party also is scheduled to continue with a planned virtual roll call (discussed below) to nominate its presidential ticket before the convention begins. The virtual roll call plan [emerged in May 2024](#) after it appeared that ballot-access deadlines in Ohio and other states could conflict with the timing of the Democratic National Convention. There has been [debate](#) about the necessity of holding a virtual roll call. Attorneys for the convention Rules Committee [advised](#) during July 2024 meetings that the virtual roll call remained necessary to avoid potential litigation about ballot-access deadlines. Additional discussion of party rules affecting the status of the nominating process appears below.

Party Rules and the Nominating Process

Whether during routine times or extraordinary ones, party rules govern the presidential nominating process. For Democrats, provisions specified in the [Call of the Convention](#) and the [Bylaws](#) are particularly

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noteworthy. Party rules generally establish broad provisions about how the party makes decisions and how candidates may seek the presidential nomination. They typically do not address specific detail such as the implications of any particular candidate's decision to seek the nomination or to withdraw. Various party governing committees are responsible for developing and interpreting the rules. Ultimate decisionmaking responsibility generally falls to the convention, the Democratic National Committee (DNC), or both. Delegates select party nominees, typically at party conventions. As noted above, Democrats plan to use a virtual nominating process ahead of the 2024 convention, as they did in 2020. The DNC also may fill any nominee vacancies after the convention, [as it did in 1972](#).

Recent Rules Affecting the Nominating Process

On June 20, 2024, the DNC approved an [amended Call](#) that, among other provisions, permits the [Democratic National Convention Committee](#) (DNCC) Rules Committee to adopt permanent procedural rules for the 2024 convention, set the agenda, and select convention officers. On July 24, the [convention Rules Committee did so](#), including approving provisions that affect nominee selection in light of President Biden's withdrawal.

Under those [rules](#), by 6:00 p.m. on July 30, candidates had to secure 300 delegate signatures on an electronic nominating petition. Per [Section C.4 of the convention rules](#) and [Appendix E in the amended Call](#), candidates must approve of their nominations, thus apparently precluding "draft" efforts without the candidate's consent.

The number of qualifying candidates then determined the remainder of the nominating process.

- If only one candidate met the qualifying criteria, the virtual roll call to select the nominee was expected to begin on August 1.
- If multiple candidates met the qualifying criteria, the DNCC chair and the DNC chair would have determined when virtual voting began. The rules permitted a period of no more than five days for candidates to "[make their case to delegates and the public](#)."
- The presidential nominee may name a vice-presidential nominee. It is expected that a presidential nominee would select a vice-presidential running mate by August 7.
- A "ceremonial" in-person vote among delegates is expected to occur at the national convention in Chicago.

On July 30, the DNC and the DNCC chairs [announced](#) that Vice President Kamala Harris was the only candidate who met the qualifying criteria; that 3,923 delegates had petitioned to nominate Harris; and that virtual voting on her nomination would begin on August 1 and conclude on August 5. Given Vice President Harris's margin of delegate support, superdelegates (discussed below) will be permitted to participate in the first round of the virtual roll call. According to [media reports](#), three other candidates attempted to qualify but failed to secure at least 300 delegate signatures to do so.

Potential Delegate Implications

As [another CRS product discusses](#), Democrats rely on a combination of two types of national convention delegates to select their presidential and vice-presidential nominees: (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*.

Pledged delegates do not automatically transfer to another candidate, if the candidate to whom they have pledged their support withdraws. Any candidate who withdraws may release pledged delegates, so that the delegates may support another candidate. Superdelegates are not pledged to support particular candidates,

although they often voluntarily pledge such support. As noted above, Vice President Harris has secured sufficient delegate support to win the nomination, although that result will not be finalized until the virtual roll call concludes.

Potential Campaign Finance Implications

Media reports have [considered](#) what might become of the Biden presidential campaign's remaining funds if he withdrew. [Federal Election Commission \(FEC\) data show](#) that, through May 2024, the Biden presidential committee reported having approximately \$91.6 million in cash on hand. Subsequent [media reports](#) indicate that the Biden campaign raised substantial additional funds through June. After President Biden's announcement, the Biden for President committee [notified](#) the FEC that Vice President Harris would be the presidential candidate for the committee, which would [be known](#) as Harris for President.

There has been [some debate](#) about whether funds raised when President Biden was the presidential candidate remain available for the Harris presidential candidacy. Some [commentators](#) argue that because President Biden and Vice President Harris were running mates and [shared](#) a campaign account (through a single [political committee](#)), the campaign [may](#) spend all its funds advocating for Harris's election to the presidency. Others take an [opposing view](#), arguing that [contribution limits](#) apply to the transition between candidates. [According to media reports](#), at least some members of the FEC disagree about whether the issue is settled. Questions might also arise about whether contributions raised when President Biden was still on the ticket must be refunded or [permissibly transferred](#) elsewhere, such as to a party committee.

Campaign finance questions might be unresolved until after the general election. The FEC could consider enforcement actions, advisory opinions (AOs), or both, about how or whether the Federal Election Campaign Act (FECA) or commission regulations apply. Issuing AOs and adjudicating enforcement decisions is [time-consuming](#) and [requires agreement](#) from at least four of six commissioners. Accordingly, it is unclear how much impact FEC action might have before the election. [Litigation](#) is also possible.

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