

February 6, 2017

Karen Carter Peterson and Andrés W. Lopéz, Co-Chairs
DNC Credentials Committee
430 South Capitol Street, SE
Washington, DC 20003

Dear Senator Peterson and Mr. Lopéz,

This challenge to the January 14, 2017, election of the Florida Democratic Party's 10 Democratic National Committee members is hereby filed with the Credentials Committee of the Democratic National Committee (DNC) by the Challenging Parties listed below. This challenge does not contest the January 14 election of the State Party Chair or the election of the First Vice Chair who, by virtue of their office, also serve as DNC members.

As shown by the information presented herein and attached, the Florida Democratic Party (FDP) uses a system for electing its DNC members that allows members to cast weighted votes in the election of DNC members -- a system that is contrary to the Democratic Party's guiding principle of one person, one vote. The Challenging Parties contend that the State Party's structure based on the allocation of weighted votes rather than members, results in a State Party Committee that fails to appropriately reflect the diversity of the state's Democratic electorate, and gives prejudicial and priority consideration to persons who cast the highest number of weighted votes.

With this challenge, the Challenging Parties respectfully ask that the Credentials Committee instruct the Florida Democratic Party to: (1) adopt new State Party rules which provide for representation by allocating members rather than weighted votes; and (2) hold a new election for its 10 Democratic National Committee members before the next meeting of the Democratic National Committee.

Because of the late timing of Florida's election of its DNC members with respect to the upcoming meetings of the National Committee, the Challenging Parties respectfully request the Co-Chairs to use their authority to ensure the timing of all responses by the Challenged Parties and the State Party be completed in a timely fashion so that this matter may be considered by the Credentials Committee at its meeting currently scheduled for Friday, February 24, 2017. The expeditious and timely consideration and resolution of this challenge will enable the State Party to focus on the state's important 2018 elections.

CHALLENGING PARTIES

Each Challenging Party listed below fully complies with the requirements for standing to challenge as specified in the DNC Bylaws, Article Two, Section 10(b)(iii) that says, "Any challenge to the credentials of a member of the Democratic National Committee may be made by any Democrat from the state or territory of the member challenged ..."

In accordance with the Rules of Procedure of the DNC Credentials Committee (Rule 6.C.(2)(a)), the following contact information is provided for each Challenging Party:

| Name | Address | Phone | Email |
|---|--|----------------------------------|------------------------|
| Rick Boylan Former DNC Member, Former FDP Rules Co-Chair | 316 13th Ave N St Petersburg, FL 33701 | (727) 363-6727 (202) 253-9647 | RQBoylan@gmail.com |
| Nancy Jacobson Former DNC Member, Former Chair FDP Select Comm. on Rules Reform | 1730 Reppard Road Orlando, FL 32803 | (407) 896-4797 (407) 773-3275 | ncjacobson@hotmail.com |
| Rod Smith Former FDP Chair (2010-2013) | Avera & Smith, LLP 2814 SW 13th Street Gainesville, FL 32608 | (352) 372-9999 | RodSmith@avera.com |
| Karen Thurman Former FDP Chair (2005-2010) | 9067 SW 190th Avenue Rd Dunnellon, FL 34432 | (202) 549-1414 | Karen@tgandcgroup.com |

The individual authorized to receive documents on behalf of the Challenging Parties is:

| | | | |
|-------------|---|--------------|--------------------|
| Rick Boylan | 316 13th Ave N St Petersburg, FL 33701 | 727-363-6727 | RQBoylan@gmail.com |
|-------------|---|--------------|--------------------|

CHALLENGED DNC MEMBERS

In accordance with the Credentials Committee's Rules of Procedure (Rule 6.C.(2)(b)), the name and contact information is provided for each Democratic National Committee member whose credentials are challenged:

| NAME | ADDRESS | PHONE | EMAIL |
|------------------------|--|----------------------------------|-------------------------------|
| Tiffany Nichole Barnes | 287 Revell Crawfordville, FL 32327 | (850) 926-9773 (904) 327-4309 | democratnikkibarnes@gmail.com |
| Dwight Bullard | 14842 Robinson St Miami, FL 33176 | (305) 771-2167 (305) 815-5845 | sen.bullard@gmail.com |
| Cynthia Busch | 940 Renmar Dr. Plantation, FL 33317 | (954) 829-2490 | cbusch@browarddemocrats.org |
| Grace Carrington | 10874 NW 34th Ct Coral Springs, FL 33065 | (954) 415-9905 | E4committewoman@gmail.com |
| Alan Clendenin | 614 W Swann Ave Tampa, FL 33606 | (813) 495-7751 | alan@alanclendenin.com |
| Ken Evans | 4624 Sea Grape Dr. Lauderdale by the Sea, FL 33308 | (954) 684-3690 | Kevans922@gmail.com |
| Alma Rosa Gonzalez | 1516 S. Trask St. Tampa, FL 33629 | (850) 241-3849 | ARGonzalez715@gmail.com |
| John Parker | 9158 Heckscher Drive Jacksonville, FL 32226 | (904) 613-1623 | jcparker1217@gmail.com |
| John A. Ramos | 4554 Sunrise Blvd. Delray Beach, FL 33445 | (561) 324-0713 | rock329@att.net |

| NAME | ADDRESS | PHONE | EMAIL |
|--------------|---|----------------|-----------------------|
| Terrie Rizzo | 9905 Coronado Lake Drive Boynton Beach, FL 33437 | (561) 213-0957 | terrierizzo@yahoo.com |

In accordance with Procedural Rule 6.B.(2), the Challenging Parties have provided this document to each of the Challenged DNC members and to the Chair of the Florida Democratic Party.

BASIS FOR THE CHALLENGE

1. Failure to Comply with Directives from the DNC

The January 14 election of Florida's DNC members was conducted without regard to clear and concise instructions received from the Democratic National Committee. Directives from the DNC were based on decisions made by the DNC's Rules and Bylaws Committee (RBC) and the DNC's Credentials Committee that barred the use of weighted votes in electing delegates and persons who serve on the National Committee.

In October 2015, Florida Democratic Party (FDP) Chair Allison Tant and her rules committee leadership asked the Co-Chairs of the Democratic National Committee's Rules and Bylaws Committee for clarification about the procedures used by the Florida Party to elect its DNC members. *[See Exhibit A]* The specific question was whether the National Party's rules allow the FDP to elect its DNC members using a system where members cast various quantities of weighted votes.

Florida's question about the use of weighted votes was raised following decisions in 2015 by the Rules and Bylaws Committee (RBC) advising Montana, South Dakota and Democrats Abroad that National Convention delegates cannot be elected by a system that uses weighted votes. The directive issued by the RBC is as follows:

The use of weighted votes in any election is not provided for by the Delegate Selection Rules, the Call to the Convention or the DNC Charter. The concept of weighted votes is contrary to the Democratic Party's and Robert's Rules' fundamental principle of "one person, one vote."

This decision by the Rules and Bylaws Committee pertaining to weighted votes should govern Florida's DNC member election procedures, as DNC members elected under this process automatically serve as delegates to the National Convention.

In addition, the DNC Credentials Committee at its August 2015 meeting considered the question of weighted votes. In this case the CDA had used weighted votes in the election of its officers. The Credentials Committee ruled that this election process was in violation of the DNC's Charter and Bylaws since the CDA President and Vice-President automatically serve as members of the DNC by virtue of their election. This ruling is directly on point with the issue presented by the challenge before you. The Florida Democratic Party failed to follow these clear, concise and unambiguous decisions rendered by both the DNC Rules and

Bylaws Committee and the DNC Credentials Committee, in the election of DNC members from Florida on January 14, 2017. Accordingly, that election should be deemed null and void and a new election held in compliance with the DNC Charter and Bylaws.

The FDP has been aware of this issue but has nonetheless continually failed to amend its procedures. On October 28, 2015, RBC Co-Chairs Lorraine Miller and James Roosevelt Jr. responded to the FDP's request for clarification. *[See Exhibit B.]* The Co-Chairs' letter noted that Florida's system for weighted votes was well intentioned when it was put in place in the 1970s as a way to ensure the state's "larger counties would have representative voting strength on the State Committee" along with "weighted votes for certain Democratic elected officials." However, the Co-Chairs said that in today's Democratic Party, the use of weighted votes is a "serious concern" that does not produce results that represent the party and conflicts with the Party's principle of "one person, one vote."

In their letter, RBC Co-Chairs Miller and Roosevelt explicitly stated that the Florida Democratic Party "must take steps to change its Charter and Bylaws to correct its system of weighted votes." This directive was totally disregarded in the January 24 election of DNC members in Florida.

The request for clarification from FDP Chair Tant, et. al., also asked about the timing of Florida's DNC member election. Currently, Florida's DNC members are selected as the final part of the State Party's quadrennial reorganization that takes place following the presidential election. This year, Florida's DNC members were elected on January 14. In 2013, the FDP elected its DNC members on January 26.

Under the National Democratic Party's Charter, states are required to elect their DNC members "during the calendar year in which a National Convention is held." DNC member terms begin "on the day the National Convention adjourns and [terminate] on the day the next convention adjourns." *[DNC Charter, Article Three, Section 3]*

Florida's request for clarification asked the RBC Co-Chairs whether it was more important for Florida to elect its DNC members in a timely manner to comply with the Charter, or to institute a new process that would utilize a one person, one vote system.

RBC Co-Chairs Miller and Roosevelt told the FDP that the State Party "needs to implement a new 'one person, one vote' structure before selecting its new DNC members" even if that resulted in pushing the selection into 2017.

New State Party Bylaws were written and presented to the FDP in October of 2015. The State Party posted the proposed new Bylaws on its website and held two opportunities for public comment in November and December 2015.

In January 2016, State Chair Tant sent a letter to Florida Party Leaders about the proposed new Bylaws. *[See Exhibit C.]* She reported the public comment response "was inspiring and proved how serious our membership takes the need for comprehensive rules revision." However, in her letter, Chair Tant said she had determined that the focus of 2016 needed to

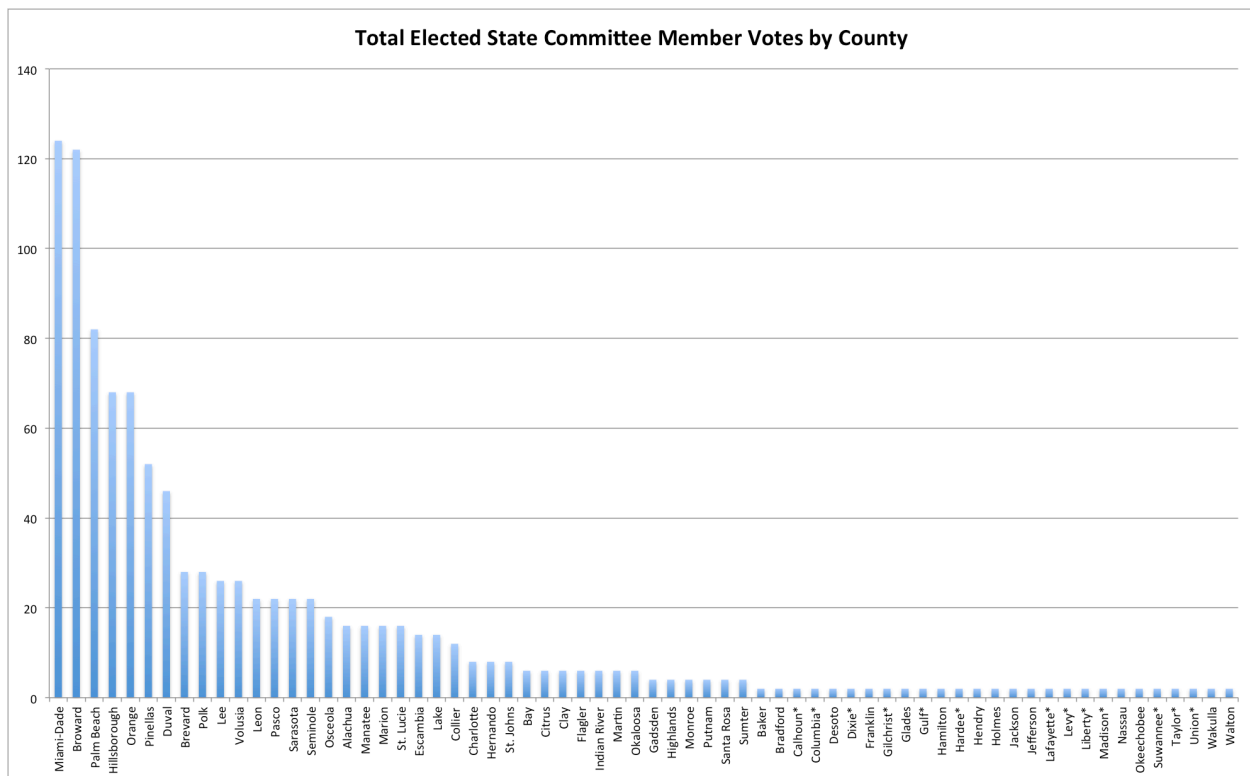
be directed toward the state's "electoral challenges" while continuing to discuss rules reform. She noted that the State Party was "fully aware that the Democratic National Committee Rules and Bylaws Committee has instructed us 'to implement a new 'one person, one vote' structure' before the FDP selects its next officers and DNC members. As such, we will continue to work toward having a new structure in place so as to ensure Florida's full representation on the DNC for the next cycle."

When Florida's Democratic State Executive Committee elected its 10 DNC members on January 14, 2017, those members were selected under its weighted vote system with complete disregard to the instruction of the DNC's RBC Co-Chairs that the State Party needed to change its rules to implement a system of one person, one vote.

2. Failure to follow the Party's principle of "one person, one vote"

Under the FDP's current structure, every county -- regardless of size, Democratic voting strength, or diversity -- elects one man and one woman to serve on the State Executive Committee. Those members cast a number of votes that are weighted to reflect the county's Democratic registration and voting strength. That system made sense for the FDP in the 1970s as a way to differentiate the larger counties and the smaller counties. But, in the early 1970s, Florida had 15 Congressional Districts and Democrats controlled almost all branches of government. Today, the state has 27 Congressional Districts and Democrats are in a minority in representation to Washington and in Tallahassee.

As a result of how the weighted vote is allocated in today's FDP, 14 members, representing the seven largest counties, control a majority of the votes on any decision before the State Committee. The chart below shows the total votes allocated to each county, which are evenly divided between the county's committeeman and committeewoman.



In addition to the inherent unfairness of 14 members controlling decisions for the approximately other 150 members, there is also the issue of logistics. Unless a vote by the State Committee is unanimous, or nearly so, all votes must be conducted by roll call or ballot -- because there is no way to “hear” or “see” which members represent as much as 60 times more votes than other members. Robert’s Rules of Order is clear on this important principle by providing, “ONE PERSON, ONE VOTE. It is a fundamental principle of parliamentary law that each person who is a member of a deliberative assembly is entitled to one -- and only one -- vote on a question.” [RONR (11th ed.), p 407, XIII. 1-4.]

Finally, it should be noted that the FDP counts members for the purpose of achieving a quorum. However, because votes are conducted by weight, there is little incentive for members from counties carrying a small number of votes to participate at State Party meetings since they are essentially disenfranchised as a result of weighted voting.

Clearly, the FDP’s use of weighted votes does not reflect the Democratic Party’s guiding principle of one person, one vote, and this system restricts the opportunity of Democrats to participate at the State Party level.

3. Failure to appropriately reflect the demographics of Florida’s Democratic electorate

This challenge is not intended to criticize the members who are elected by their county Democratic Party organizations to represent the county’s interest on the State Executive Committee. We assume they all serve in good faith to serve their county’s best interests.

However, it defies logic to think that one male and one female can fully represent a large county’s diverse communities and varied interests. This monolithic approach to representation does not reflect the principles of the Democratic Party or represent the diversity of our Party. Rather than using a structure that allows broad participation at the State Party level, Florida uses a closed system where two members are ultimately expected to represent the range of diverse interests and perspectives of their county’s Democratic voters. This is not fair to the members or their constituents.

In developing its Plan for selecting delegates to the 2016 Democratic National Convention, the FDP set the following as its Affirmative Action goals based on analysis and review of the Democratic Electorate:

| 2016 Delegate Diversity Goals | African Americans | Hispanics | Native Americans | Asian Americans & Pacific Islanders | Youth (18-35) |
|----------------------------------|-------------------|-----------|------------------|-------------------------------------|---------------|
| Percent in Democratic Electorate | 29% | 17% | <.5% | 1% | 24% |

As the table below shows, the diversity of the State Executive Committee membership falls woefully short in many of the demographic areas:

| Florida State Executive Committee | African Americans | Hispanics | Native Americans | Asian Americans & Pacific Islanders | Youth (18-35) |
|-----------------------------------|-------------------|-----------|------------------|-------------------------------------|---------------|
| Percent of Committee Membership | 24% | 10% | 0% | 2% | 8% |

However, the table above does not clearly illustrate the real underlying problem.

Nearly two-thirds of the State Committee members (64%) are elected at the county level. These members represent 86% of the votes on the State Committee. The other one-third (36%) of the members are “automatic” members -- elected officials (or their appointees), or DNC members or caucus presidents. The “automatic” members account for just 14% of the votes.

Looking at only the elected members -- those members elected by the counties -- here is a better perspective of the composition of the State Committee membership:

| County Elected State Committee Members | African Americans | Hispanics | Native Americans | Asian Americans & Pacific Islanders | Youth (18-35) |
|--|-------------------|-----------|------------------|-------------------------------------|---------------|
| Percent of County Members | 21% | 6% | 0% | 2% | 8% |

It is unmistakable that the composition of the elected members falls far short of the demographic levels determined by the Party’s analysis of the Democratic electorate. Restricting each county to just two members (with weighted votes) will never achieve the same levels of diversity as a system that proportionally allocates individual members.

In addition to the points made above, the inherent problem with conducting elections where some members are more important than other members -- because they have more votes -- is that the election process raises questions (valid or not) about the result of the vote. *[See Exhibit D, an op-ed criticizing the FDP’s convoluted election system.]*

This challenge is not a criticism of the individuals who were elected on January 14. Rather, it is a criticism of the weighted vote system used for the election.

The table below shows the following: (1) nine out of the 10 DNC members elected are from among the seven counties that control a majority of the votes; and (2) the 10 DNC members elected represent only six counties -- five of which are among those seven largest counties in the state.

| NAME | County | Weighted Votes Cast by County |
|------------------------|--------------|-------------------------------|
| Cynthia Busch | Broward | 122 |
| Grace Carrington | | |
| Ken Evans | | |
| John Parker | Duval | 46 |
| Alan Clendenin | Hillsborough | 68 |
| Alma Rosa Gonzalez | | |
| Dwight Bullard | Miami-Dade | 124 |
| John A. Ramos | Palm Beach | 82 |
| Terrie Rizzo | | |
| Tiffany Nichole Barnes | Wakulla | 2 |

The problem is not that just seven counties out of Florida's 67 counties control a majority of the votes on the State Committee -- presumably, an allocation of members rather than votes would have a similar result. The real problem is that **only 14 members** represent those seven counties that control a majority of the votes.

In a Party that prides itself on equality and fairness, Florida's weighted vote system does not meet either of those basic Democratic standards.

REMEDIES SOUGHT TO RESOLVE THIS MATTER WITH THE STATE PARTY

For quite some time, the leadership of the Florida Democratic Party has recognized the problems and questions associated with a structure based on weighted votes rather than individual members. The problem has always been that in order to change the Party's structure, those with the weighted votes must agree to give up their vote in the interest of greater democracy.

Following the 2014 General Election, State Chair Allison Tant commissioned the "Lead Task Force" to examine the election results and recommend changes for the Party moving forward, including building "a strong foundation upon which our Party can rebuild." The Task Force offered a series of recommendations including the following about the Party's structure:

PARTY OPERATIONS AND STRUCTURE

The Task Force reviewed the Party's governing structure and its present day operations. To prepare for the work ahead, the Task Force identified recommendations for modernizing the Party's bylaws and governance structure and growing its operational staff outside its headquarters in Tallahassee.

Recommendations:

Party Bylaws. The Task Force recommends the State Executive Committee review the Party bylaws to update the governance of the Party. The rules and bylaws should be updated and streamlined to be more inclusive of all Democrats throughout Florida.

Changes must be made that empower Democrats to be more engaged with the local parties and the state party, including creating new opportunities to serve in leadership positions. Barriers should be removed to ensure the Party's governance is more open, transparent, and inclusive.

As State Chair, Allison Tant also took concrete steps toward changing the Party's structure. She appointed a Select Committee on Rules Revision that drafted a proposed set of new Bylaws to replace the state's current Charter and Bylaws. As noted above, the proposed new Bylaws were presented at the State Party Convention in October 2015 and put out for public comment in November and December. In January 2016, Chair Tant recognized that the Party's focus needed to be on the elections, but called for discussions about the proposed changes to continue.

During the recent campaign for the new State Party Chair election on January 14, 2017, over 60 State Committee members from across the state signed on as part of a "Unity Group." This group called on each State Chair candidate to commit to supporting a major overhaul of the Party's structure using the proposed new Bylaws as an initial template for discussion and revision with the goal of presenting an updated version of new Bylaws or substantive components for consideration and approval by the State Executive Committee in early summer 2017. All five candidates answered affirmatively -- although no candidate was willing to commit to completely overturning the weighted vote system that was used for this election, perhaps for fear of antagonizing the members who controlled those votes.

The political reality is that the DNC's Credentials Committee needs to mandate that the FDP bring its procedures into compliance with the required one person, one vote system by a date certain. Otherwise the system will remain in violation of established Democratic Party Rules and mandates. The members elected under a prohibited process who control the votes to change the system are simply not going to give up their "weighted" voting power.

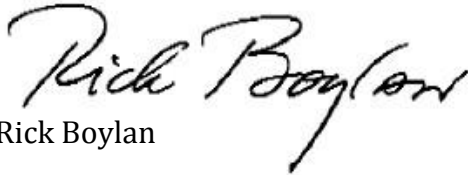
RELIEF REQUESTED AND THE REASONS

The Challenging Parties request the DNC Credentials Committee to provide the relief as outlined below:

1. **Require the FDP to adopt new bylaws that fairly allocate the number of members, rather than votes, on a one person, one vote basis by a date certain.** As shown above, the current system: (a) violates DNC policy and fails to comply with DNC directives; (b) fails to follow the Party's "one person, one vote" standard; and (c) fails to appropriately reflect the demographic diversity of Florida's Democratic electorate.
2. **Require the FDP to expedite the approval process for adopting new bylaws within 90-120 days.** The Florida Democratic Party has just completed its quadrennial reorganization and this is the time to implement comprehensive restructuring. The process should be expedited to ensure it is completed before attention must be focused on the very important 2018 mid-term elections and before the next DNC meeting.

3. **Require the FDP to implement the new bylaws by requiring additional state committee members to be elected within 120-150 days.** Restructuring the State Party to allocate the number of members rather than votes will require the election of additional State Committee members. Following approval of new bylaws, the Party will need to expedite elections for the additional members. It should be noted that the current process for electing the State Committee members takes place within about 30-45 days following the General Election.
4. **Require the FDP to hold a new election for DNC members within 150-180 days or not later than 30 days before the next meeting of the Democratic National Committee, whichever is earlier.** The State Executive Committee needs to hold a new election for its 10 DNC members to provide an opportunity for a greater and more diverse membership to participate in the selection process. This election needs to be completed before the next DNC meeting, so that Florida's DNC members can be entitled to an almost full term of service through the 2020 convention.
5. **Allow Florida's current DNC members to serve through and vote at the February DNC meetings.** Even though the FDP elected its 10 DNC members in violation of the directive of the RBC Co-Chairs, the Challenging Parties do not want Florida to be disenfranchised in the selection of the National Committee's new officers. The provisional credentialing of the members should only be for the February 2017 DNC meetings.

Respectfully submitted on behalf of the Challenging Parties,

A handwritten signature in black ink that reads "Rick Boylan". The signature is written in a cursive, flowing style.

Rick Boylan

Attachments