

To: Mr. Tim Hughes, Chair  
Appeals Committee  
Michigan Democratic Party  
606 Townsend, Lansing, MI 48933

From: Liano Sharon, for and on behalf of  
Michigan for Revolution and MDP Members

Re: Appeal of Congressional District 5 election of State Central Committee  
Delegates and Alternates.

Dear Mr. Hughes,

Pursuant to the appeals process established by Michigan Democratic Party Rules Article 13 and appropriate sub-paragraphs, the undersigned MDP members (see last page) submit this appeal with the hope and expectation that it will be given a full and fair hearing, and a just resolution.

In brief summary:

The Congressional District 5 caucus met on 11 February 2017 during the Spring Convention of the Michigan Democratic Party at Cobo Center in Detroit Michigan. At said meeting an election was held for delegates and alternates to the Michigan Democratic Party State Central Committee. The election as conducted violated numerous MDP Rules, including 2.A.5, 2.A.8, 2.B.2, Article 11, and the MDP Directive on Proportional Voting.

As a result, those Congressional District 5 MDP members supporting the Michigan for Revolution slate of candidates were denied the opportunity to win proportional representation on the MDP State Central Committee through the ballot, in flagrant violation of MDP Rules, and of the Democratic Party's core principles of fairness and equality.

We bring forward this appeal seeking relief under the authority of the MDP Appeals Committee, as detailed in MDP Rules Article 13.

Sincerely,

A handwritten signature in black ink, appearing to read 'Liano Sharon', with a long horizontal flourish extending to the right.

Liano Sharon  
Ypsilanti, MI  
Member M4R WCDP MDP

### **Complaint Summary**

At the Michigan Democratic Party Spring Convention held on 11 February 2017 at Cobo Center in Detroit Michigan, the Congressional District 5 caucus conducted elections for delegates and alternates to the Michigan Democratic Party State Central Committee using procedures impermissible under MDP Rules.

Specifically,

1. Congressional District 5 (CD5) failed to comply with MDP Rule 2.A.5 in that CD5 did not publicize a full description of the practical procedures for selection of representation in time for prospective and current members to participate in the process.
2. Congressional District 5 failed to use a system of proportional voting. MDP Rule 2.A.8, MDP Rules Article 11, and the MDP Directive on Proportional Voting all require that proportional voting be used in election of delegates and alternates to the MDP State Central Committee.

### **Jurisdiction and Right to Appeal**

MDP Rule Article 13 Section A provides for an Appeals Committee,

“To insure fairness and prevent injustice in the internal operations of Precinct, County, District and Statewide units of the Democratic Party of Michigan, an Appeals Committee is established.”

MDP Rule 13.C.1 provides that,

“The Appeals Committee shall have jurisdiction over matters of procedural fairness and observance of Party rules and regulations in the internal operations of the Democratic Party of Michigan as guided by the Political Reform Convention and resolutions of other Democratic State Conventions and the Democratic State Central Committee.”

MDP Rule Article 13 Section D provides that,

1. Any member or group of members of the Democratic Party or Democratic precinct delegates who feels personally aggrieved by the action or decision of the State Central Committee or any other Democratic Party unit may appeal by petition such action or decision to the Appeals Committee, provided such petition contains the signatures of at least five (5) persons.

2. Any readily identifiable group within the Democratic Party of Michigan, or any part thereof, which deems itself aggrieved by the action or decision of the State Central Committee or any other Democratic Party unit may appeal such action or decision to the Appeals Committee.

The questions raised are neither insignificant nor frivolous. The subject matter is clearly within the jurisdiction of the Appeals Committee. The jurisdiction of the Appeals Committee has been properly invoked. There is no cause for dismissal under MDP Rule 13.F.1 - 3.

### **Timing and Procedure**

MDP Rule 13.E.1 requires that

“All appeals shall be presented in writing within fifteen (15) days after the action or decision appealed from.”

MDP Rule 13.E.7 specifically addresses appeals of procedures of elections for MDP SCC,

“In the case of appeals on the procedure used to elect any delegate or alternate or group of delegates or alternates to the State Central Committee, the Appeals Committee shall be notified of such appeal no later than noon of the day of plenary session of the Spring Convention, if the grounds for such an appeal are known by that time. The Appeals Committee shall hear any such appeal and report its recommendation with regard to the permanent or temporary seating of any such delegate or alternate or groups of delegates or alternates as the first order of business of the State Central Committee meeting following the Spring Convention.”

This is an appeal regarding the procedure used to elect delegates and alternates to the MDP SCC. The CD5 caucus was not scheduled to convene nor did it actually convene prior to 12:30pm on the day of the plenary session of the Spring Convention. The grounds of the appeal were not and could not have been known prior to noon on said day.

The remaining requirements of MDP Rule 13.E.7 are placed on the MDP Appeals Committee, not on those bringing forward an appeal. That the MDP scheduled the first meeting of the SCC on the same day as the Spring Convention, making it impossible for the Appeals Committee to meet its obligations under 13.E.7, is a matter between the MDP and the Appeals Committee. It cannot affect the right of appellants under 13.E.1 to 15 days for preparation of appeals, nor the right of appellants to a full and fair hearing of said appeals.

Therefore, this appeal as submitted complies with the procedures for appeals under the MDP Rules.

The undersigned members of MDP CD5 and other members of the MDP bring forward this appeal in accordance with their rights under MDP Rules Article 13, and appropriate sub-sections as detailed above.

Michigan for Revolution, a “readily identifiable group within the Democratic Party of Michigan”, brings forward this appeal in accordance with its rights under MDP Rules Article 13, and appropriate sub-sections as detailed above.

### **Complaint Details**

#### **Part 1: Congressional District 5 failed to comply with MDP Rule 2.A.5.**

MDP Rule 2.A.5 reads in full

“The Democratic Party in each County/District shall publicize fully and in such a manner as to assure notice to all interested parties a full description of the legal and practical procedures for selection of Democratic Party officers and representation on all levels. Publication of these procedures shall be done in such a fashion that all prospective and current members of each County/District Democratic Party will be fully and adequately informed of the pertinent procedure in time to participate in each selection procedures at all levels of the Democratic Party organization.”  
(emphasis added)

CD5 did not publicize any description of any kind regarding the procedures CD5 would follow for election of SCC delegates and alternates.

In the absence of prior publication and publicization of a “full description of the legal and practical procedures” for the voting procedure to be used, conducting an election of any kind, under any rules, is a violation of MDP Rule 2.A.5.

It does not help the chair or the CD5 caucus that the procedure for slate, cumulative voting, and other forms of proportional voting were available in the MDP Directive on Proportional Voting (DPV). First, CD5 did not use a voting system described anywhere in MDP documents publicized by the State Party or any unit of the MDP. Second, Rule 2.A.5 requires that “each County/District” publicize the procedures prior to any election, not the State Party or other “County/District” units of the MDP.

Further, Rule 2.A.5 requires that publicization of said “full description of the legal and practical procedures” for selecting representation must be provided “in time” for “prospective” members to “participate in each selection process at all levels of the Democratic Party organization”. MDP Rules Article 4 Section B specifies that

“In order to vote at any Convention, Caucus or meeting of any unit of the Michigan Democratic Party at any level, a person must be a member of the Michigan Democratic Party for at least thirty (30) days prior to that Convention, Caucus or meeting.

A *prospective* member of County/District Party must be a member of the State Party for 30 days before they are eligible to “participate” in such “selection procedures”. Therefore, in order to comply with Rule 2.A.5, County and Congressional Districts units of the MDP must not just publish, but “publicize fully” the procedural details to be used in each election *at least 30 days in advance*, in order to allow *prospective* members the opportunity to participate.

In fact, 30 days prior is likely insufficient to comply with 2.A.5. 30 days provides at most several hours for prospective members to become aware of, obtain, read, research, and understand the details of the selection procedures. A reading more welcoming to prospective members might require publicization 45 days prior to elections - unless the wait time for voting privileges is shortened.

To summarize, CD5 did not publicized the “full description of the legal and practical procedures” for any system of voting prior to the election as required by MDP Rule 2.A.5. Therefore, the election is void.

## Section 2: Congressional District 5 failed to use a system of proportional voting.

MDP Rule 2.A.8 reads in full,

“Proportional voting shall be used in the election of delegates and alternates to any County or Congressional District Convention, delegates and alternates of the Democratic State Central Committee, and members of any County or District Executive Committee.”

MDP Rules Article 11 (3rd paragraph) reads,

“All State Convention Delegates shall cast their share of the vote allocated to their County or District by the Convention Call using proportional voting as set forth in the Directive on Proportional Voting.”

The MDP Directive on Proportional Voting reads,

“As provided by Michigan Democratic Party Rules (Article 2.A.8), proportional voting shall be used in the election of delegates and alternates to any Convention, for the election of delegates and alternates of the Democratic State Central Committee, and for the election of members of any County or District Executive Committee.

Any of the following systems **may** be adopted by a Convention or Caucus in order to insure compliance with the Party's rules on Proportional Voting."

The document then lists cumulative voting, list or slate voting, and at-large preferential voting as examples.

Note that the MDP Directive on Proportional Voting *does not require* any of the voting systems listed. *Proportional voting is required*. Cumulative voting, slate/list voting, and at-large preferential voting are only examples of systems that "may be adopted ... in order to insure compliance" with the Directive on Proportional Voting. The Directive on Proportional Voting does not require any *specific* system, it requires a system with the property that minority groups can win seats on the State Central Committee in proportion to their numbers in the Congressional District caucus.

The voting procedure adopted by the CD5 caucus on 11 February 2017 had precisely the opposite property.

Specifically, the voting process used by the CD5 caucus had the property that any simple majority of as little as 50% + 1 would win every seat on the State Central Committee. Video of the chair conducting the vote in this manner is available for review by the Appeals Committee.

Therefore, the voting procedure adopted by CD5 was contrary to the purpose, spirit, and intent of proportional voting, in violation of the MDP Rules noted above, and is therefore void.

### **Other Irregularities**

#### **First Meeting of the SCC Impermissible**

The MDP Chair attempted to hold a meeting of the MDP State Central Committee on 11 February 2017, the same day as the MDP Spring Convention. Every procedure of this meeting was performed in flagrant violation of MDP Rules, including MDP Rules 7.A.2, 7.B.1 through 7.B.3, 9.E, 9.F, and 13.E.1 through 13.E.7.

As a result, MDP members were disenfranchised of their right to appeal the results of elections to the MDP State Central Committee, as guaranteed under MDP Rules Article 13. MDP members were disenfranchised of their right to determine their representatives on the MDP State Central Committee, and of their right to determine how their alternates would be seated in the absences of their delegates as guaranteed under MDP Rules Article 7. MDP members were disenfranchised of their allotted votes on the MDP State Central Committee as guaranteed under MDP Rules 9.E, 9.F, and 7.A.2.

Therefore, all business conducted, all votes taken, and all elections held at this meeting are void.

A separate appeal has been filed regarding this impermissible meeting.

### **Remedies**

We request the Appeals Committee grant the remedies as detailed hereunder.

Our purpose in seeking these remedies is two fold.

First, we seek to protect the rights of MDP members who have been disenfranchised by the impermissible voting system used in the CD5 SCC elections on 11 February 2017.

Second, we seek to clarify and strengthen the rules and procedures of the MDP to ensure such defects and disenfranchisement do not re-occur.

#### **Remedy 1: Proportional Representation**

A new election must be held, that complies with MDP Rule 2.A.5, 2.A.8, Article 11, and the MDP Directive on proportional Voting.

We request this election be held at a time and place mutually agreed, and under the rules of slate voting as described in the MDP Directive on Proportional Voting. In compliance with MDP Rule 2.A.5, we request that notification of the election, together with a full description of the procedures, be prepared and mutually agreed on before being distributed. Per MDP Rule 2.A.5, the election can be held no earlier than 45 days after said materials have been publicized.

Further, we would like to present the below recommendations, which we believe will clarify MDP Rules, and strengthen the entire MDP organization at every level. In effect, these are all best practices for any democratic organization.

- A. To reduce confusion,
  - a. Specify that all elections for positions with a single seat to be run using Ranked Choice Voting (RCV).
  - b. Specify that all positions with multiple seats are to be run by RCV where voters rank slates of candidates instead of individuals (single candidate slates are allowed).
  - c. Specify that the Call to Convention shall list every voting method allowed at the convention, and shall provide links to videos explaining how each works.

- B. Create (or adopt an existing) a series of videos demonstrating how each type of voting allowed under MDP Rules works, and how to prepare to run an election with each type of voting.
- C. In consultation with a well-established voting advocacy organization or appropriate group of experts, create a training program covering every form of voting allowed by the MDP Rules. The training program to include
  - a. Detailed explanations of each voting system, including the reasons for each process and feature.
  - b. Detailed examples of each system in operation.
  - c. Failure modes for each system, and how to avoid them.
  - d. Hands-on practice running mock elections.
  - e. Train the trainer module.
- D. Require all officers and committee members of the MDP to complete the training program of 2.E.a - 2.E.d.
- E. Forbid any officeholder who has not successfully completed 2F from conducting any election in the MDP or any unit of the MDP.
- F. Require successful completion of 2.E.a - 2.E.e a prerequisite for nomination for parliamentary positions at every level of the MDP.
- G. Require a parliamentarian so trained be present at all MDP Congressional District or other MDP Unit caucuses whenever elections are held.
- H. Require these recommendations be fully and properly funded by the MDP.
- I. To assure groups in the minority that appropriate action will be taken to address these circumstances, we request the Michigan for Revolution caucus and other caucuses of groups in the minority of the MDP State Central Committee receive proportional representation on each MDP committee empowered to review, approve, or fund these or similar changes, including, but not limited to,
  - a. Appeals Committee
  - b. Committee on Rules and Political Reform
  - c. Committee on Policy and Resolutions
  - d. Committee on Finance
  - e. Executive Committee of the State Central Committee



Respectfully Submitted on this 24<sup>th</sup> day of February 2017, by


Signature  Printed name LASHAYA D. DARISAW

Signature  Printed name Rachel Sennabaum

Signature  Printed name Cory James

Signature  Printed name Rachel Strickland

Signature  Printed name LIANA SHARON

Signature  Printed name Susan Vasquez

Signature  Printed name Anthony Paciorek

Signature  Printed name Ricky Marsden