

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 12 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 12 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, 2.B.5, Article 11, and the MDP Directive on Proportional Voting.

Objections were raised at the time. Neither the Congressional District 12 chair, nor the State Party parliamentarian, appeared familiar with the MDP rules noted above, nor the definitions of cumulative or proportional voting; points of order raised at the time were denied.

As a result, those Congressional District 12 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,



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 12 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 12 (CD12) failed to comply with MDP Rule 2.A.5 in that CD12 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. The chair and the CD12 caucus exceeded their authority to interpret the rules.
 - a. The chair's interpretation of the term "cumulative voting" deviated from the definition and procedures provided in the MDP Directive on Proportional Voting.
 - b. Robert's Rules of Order was not used to settle procedural disputes. MDP Rule 2.B.5 specifies that Robert's Rules of Order (latest edition) be used to settle disputes on questions of procedure. The interpretation of the procedure called "cumulative voting" proposed by the chair, adopted by the caucus, and defended by the MDP parliamentarian deviates from the definition and procedures provided in Robert's Rules of Order (latest edition), and from the definitions and procedures *in every other available publication*.
3. Congressional District 12 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 CD12 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 CD12 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 12 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)

CD12 did publicize a (partial) voting procedure for slate voting on their website prior to the election, but not for cumulative voting. Included in the announcement for the Convention were the Convention Schedule and a document titled “State Convention Explained”. The “State Convention Explained” document includes a (partial) description of slate voting. No description of cumulative voting (partial or otherwise) is given in any document published on the CD12 website, or by CD12 through other means, prior to the Convention. In fact, cumulative voting is not mentioned at all.

The CD12 Rules Report, Section III.D.8 specifies

“Cumulative Voting shall be used in the election of State Central Committee Members & Alternates”

This Rules Report was neither published nor publicized prior to the caucus meeting on 11 February.

In the absence of prior publication and publicization of a “full description of the legal and practical procedures” for cumulative voting,

1. The CD12 Rules Report violates MDP Rule 2.A.5.
2. Adopting the Rules Report places CD12 in violation of MDP Rule 2.A.5.
3. Conducting an election using cumulative voting is a violation of MDP Rule 2.A.5, even if cumulative voting had been used correctly.

Moreover, by publicizing the “State Convention Explained” document with the (partial) description of slate voting, while neither publishing nor publicizing a description of any other voting system, CD12 actively mislead its members to believe only slate voting would be used at the convention. Certainly anyone familiar with MDP Rule 2.A.5 and observing the documents publicized by CD12 would be justified in believing and expecting only slate voting would be used in the CD12 election. In fact, both groups running candidates arrived at the caucus with their candidates arranged into slates, ready for slate voting as publicized by CD12.

It does not help the chair or the CD12 caucus that the procedure for cumulative voting was available in the MDP Directive on Proportional Voting (DPV). Rule 2.A.5 requires that “each County/District” publicize the procedures prior to any election, not the State Party. Neither the DPV nor any description of cumulative voting was published by CD12 prior to the election, much less publicized. It’s also worth noting that while the DPV can be found in a search of the web, there is no link to it on the MDP website.

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, CD12 did not publicized the “full description of the legal and practical procedures” for cumulative voting prior to the election as required by MDP Rule 2.A.5.

Therefore, the use of cumulative voting, *under any description or procedure*, at the 11 February 2017 CD12 caucus was in violation of MDP Rule 2.A.5.

Therefore, the election is void.

Section 2: The chair and the CD12 caucus exceed their authority to interpret the rules.

During the 11 February meeting, the CD12 Rules Report was adopted. Section III.D.8 of the adopted Rules, reads:

“Cumulative Voting shall be used in the election of State Central Committee Members & Alternates ... The results will be tabulated in accordance with the State Party Directive on Proportional Voting.”

The State Party Directive on Proportional Voting (MDP DPV) describes cumulative voting in Section II.A, which reads in full:

“All candidates appear in alphabetical order. Each voter has as many votes as there are positions to be filled. The voter can distribute his/her vote(s) in any manner, for example all votes for one candidate or one per position to be filled, or anything in between. Those elected are those with the highest vote total, counting down to the number of positions to be filled.”

When the chair described the procedure he intended to use to conduct the election, the procedure did not fit this description of cumulative voting.

Specifically, under the procedure proposed by the chair:

1. No candidates appeared in “alphabetical order”.
2. No opportunity was provided for any voter to “distribute his/her vote(s) in any manner, for example all votes for one candidate or one per position to be filled, or anything in between”.

As a result of the erroneous procedures used by the chair and the CD12 caucus, the majority obtained the power to win every CD12 seat on the MDP SCC, denying the minority any chance of obtaining proportional representation through the ballot, in direct contravention of the **letter, spirit, and intent** of MDP Rule 2.A.8, MDP Rules Article 11, the official Call to Convention Section VII, and the MDP Directive on Proportional Voting.

The voting process used by the chair and the CD12 caucus to conduct the election allowed each voter to use only one vote for any candidate. There was no step of the process where a voter could assign more than one vote to the same candidate.

The distinctive feature of cumulative voting, the key step in the procedure that assures minorities proportional representation, is the right of each voter to apply more than one vote to a preferred candidate (or some number of preferred candidates), at the expense of having no votes to cast for some seats being filled by the election. For example, in an election where 8 people are to be elected to the same position (such as “SCC Delegate - Male”), each voter receives 8 votes. Members of a group in the minority, such as Michigan for Revolution, may choose, under cumulative voting, to cast all 8 of their votes for just two of their candidates, at the expense of having no votes to cast for any other candidates, or three of their votes to one candidate, another three to a second candidate, and the remaining two to a third candidate, or any other distribution of votes to candidates.

This procedure is commonly called “plumping” in the literature on voting systems. “Plumping” allows a minority group to work together to ensure they get proportional representation. Without the opportunity for the minority to “plump” (accumulate) votes on some of their candidates, the voting system used *does not fit any definition of cumulative voting published anywhere*, and explicitly contradicts the definition given in the MDP Directive on Proportional Voting.

Michigan for Revolution members raised a point of order regarding the chair’s stated procedure for cumulative voting. Specifically, Michigan for Revolution members objected that the chair’s procedure as described did not allow voters to “distribute his/her vote(s) in any manner, for example all votes for one candidate or one per position to be filled, or anything in between” and was therefore not cumulative voting, explicitly contradicting the definition given in the MDP DPV.

The chair called a vote on his “interpretation” of cumulative voting and the caucus approved it by majority vote, paving the way to deny the minority proportional representation.

We do not dispute the chair's power to interpret the rules *within his authority*.

We do not dispute the caucus' power to adopt such an interpretation *within its authority*.

We dispute that the chair or the caucus has the authority to *change the definition* of cumulative voting. We dispute that the chair or the caucus have the authority to describe a procedure of their choice, and declare that such a procedure is "cumulative voting".

MDP Rule 2.B.5 reads in full:

"In any unit of the Democratic Party on any question of procedure, the latest edition of Robert's Rules of Order shall be used."

This was a question of procedure, specifically the procedure called "cumulative voting".

Robert's Rules of Order, 11th Edition (the latest) describes cumulative voting as follows,

"CUMULATIVE VOTING. ... if, for example, three directors are to be elected, each member may cast three votes. These votes may be cast for one, two, or three candidates, as the voter chooses." (RONR (11th ed.), p. 443)

As noted above, in the procedure adopted by CD12, there was no step in the process where a voter could cast multiple votes for a single candidate or divide their votes such that several candidates received more than one of their votes, while other candidates they support received fewer or none of their votes. This is the essential character of cumulative voting *in every published description*, including the latest edition of Robert's Rules of Order, and the Michigan Democratic Party Directive on Proportional Voting.

The election held in the CD12 caucus that day was therefore in violation of MDP Rule 2.B.5, and therefore void.

Further, should the Appeals Committee endorse this ad-hoc "interpretation" of cumulative voting by denying this appeal, it would set a precedent by which any unit of the MDP could, by simple majority vote, just redefine the MDP Rules however the unit might choose, to fit whatever purpose they might have. It would then be impossible to hold CD12, or any other unit of the MDP, bound to the MDP Rules.

We assert that such a radical "interpretation" is beyond the authority of the chair or the caucus to impose. The CD12 caucus is not a separate universe, where words can mean whatever the caucus votes for them to mean. CD12 is not empowered to conduct business under a set of "alternative facts" chosen by majority vote, or even adopted unanimously.

Should the MDP Appeals Committee endorse this ad-hoc “interpretation” by denying this appeal, on what basis could the MDP ever enforce *any* Rule on its units?

MDP Rule 2.B.2 reads:

“No rule shall be adopted by any unit of the Democratic Party that is inconsistent with the rules of this document.”

Should the MDP Appeals Committee endorse this ad-hoc “interpretation” by denying this appeal, it would effectively nullify the MDP’s ability to enforce its own Rules. It would set a precedent by which every Congressional District Caucus - and arguably every MDP unit of any kind - could claim the right to convene and operate under any rules the majority of the unit voted to adopt. Their first vote would simply be to “interpret” the leading “No” in MDP Rule 2.B.2 to mean ‘any’.

Therefore, either there are no MDP rules, or the CD12 chair and caucus exceeded their authority to interpret the rules.

Section 3: Congressional District 12 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 CD12 caucus on 11 February 2017 had precisely the opposite property.

Specifically, the voting process used by the CD12 caucus had the property that any simple majority of as little as 50% + 1 would win every seat on the State Central Committee.

Therefore, the voting procedure adopted by CD12 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

1. Cumulative voting not a proportional system under MDP Rules and circumstances.

Under the rules for cumulative voting, if the majority knows the numbers of the minority and how the minority is “plumping” its votes, they can organize to limit the number of seats the minority can win, even to zero. The majority does this by dividing themselves into groups equal to the minority, plus one. Each group in turn counter the minority’s votes exactly, plus one - or as close to this as can be arranged. This depletes the minority’s votes, while ensuring the majority wins a disproportionate number of seats - subverting the letter, purpose, and intent of proportional voting.

When all votes are taken by public hand count, in the same room, at the same time, it is easy for the majority to observe the numbers of the minority and how they are voting, and organize themselves as described above. These were exactly the circumstances under which the election under appeal was held.

If the vote were by secret ballot, that would mitigate this circumstance to some degree, though not entirely.

However, MDP Rule 2.A.9 reads in full,

“Votes shall not be taken by secret ballot at any meeting of the Democratic Party in Michigan at any level.”

Therefore, even if CD12 had followed the proper procedure for cumulative voting provided in the MDP Directive on Proportional Voting, the circumstances of the vote provided the majority with the opportunity to undermine the spirit and intent of the MDP Directive on Proportional Voting.

In fact, even if the process for cumulative voting had been carried out as per the description in the MDP Directive on Proportional Voting, under the circumstances combined with the requirement of MDP Rule 2.A.9, the process would not have met the definition of proportional voting. Specifically, there is nothing in the description of cumulative voting that prohibits the majority from taking their numbers to one side of the room, counting the minority, and using the procedure described above to make the outcome of the voting identical to simple majority rule first past the post voting. The antithesis of proportional voting.

As detailed in Section 3 above, the MDP Directive on Proportional Voting does not require any specific system of voting, it requires that any system used have the property that it produces proportionate representation of groups in the minority. In the circumstances under which Congressional District caucuses typically vote during the MDP Convention, cumulative voting does not meet that requirement. Further, MDP Rule 2.A.9 guarantees that any majority choosing to organize itself to block minority representation could do so using the procedure described above, right in the room, right in front of everyone, with nothing in the rules to forbid it - other than a clear understanding that MDP Rule 2.A.8, MDP Rules Article 11 (3rd paragraph), and the MDP Directive on Proportional Voting require *proportional voting*, not any specific system.

The fact that cumulative voting has this feature makes cumulative voting a forbidden system for State Central Committee elections under the MDP Rules noted above.

2. Slate Voting Misunderstood.

CD12 Rules Report, Section III.D.7 reads:

“Slate voting shall be used in the election of statutory officers. Each statutory officer (chair, vice chair, treasurer, and secretary) shall be elected individually.”

The chair, vice chair, treasurer, and secretary are all single-seat offices. Slate voting cannot be used for election to single-seat offices. Slate voting is specifically designed for

electing multiple people at the same time to fill positions with multiple seats, and to give groups in the minority a proportional number of seats in each position. Slate voting used on single-seat offices is functionally and effectively identical to bare majority winner take all first past the post voting. These two sentences of the CD12 Rules Report would never be intentionally constructed by anyone who understands slate voting.

3. Positions vs. Seats in Proportional Voting Misunderstood.

Voting systems are technical procedures, and use their own technical language in the description of those procedures. When discussing proportional voting systems for electing multiple members to a body such as the SCC, the term “position” has a specific technical meaning. Reading the MDP Rules, and the MDP Directive on Proportional Voting, the term is used correctly. However, neither the chair nor the parliamentarian understood this.

Slate and cumulative voting are both proportional voting systems designed to elect multiple members to a committee, board, legislature, or other multi-member body. When explaining these systems, it is crucial to distinguish between “positions” and “seats” (or other words used to distinguish between the two underlying concepts). A “position” is like a title that many people can hold simultaneously - delegate or alternate to the State Central Committee, for example. A “seat” is one particular opening to be filled in that position. Because the MDP requires the closest possible gender parity on multi-member bodies, such as the State Central Committee, the positions available are not just SCC Delegate and SCC Alternate. The positions are properly

| Position | Seats (using CD12 in 2017 as an example) |
|------------------------|--|
| SCC Delegate - Female | 7 |
| SCC Delegate - Male | 8 |
| SCC Alternate - Female | 8 |
| SCC Alternate - Male | 7 |

In the above example applied to slate voting, CD12 members would create slates for each of the *positions* listed above. Each slate would list the members seeking seats in that position. Then the slate voting procedure described in the Directive on Proportional Voting would be followed in the election.

This is in fact what Michigan for Revolution did in preparation for the election, having noted CD12 publicizing the “State Convention Explained” document, wherein only slate voting was described, and therefore being under the impression only slate voting would be used, per MDP Rule 2.A.5.

In the above example applied to cumulative voting, nominees for each position would be listed alphabetically together, regardless of which group they are from. In the case of the position called "SCC Delegate - Male", if there were two groups each nominating one person for each seat in the position, there would be 16 nominees, listed in alphabetical order. Each voter would have 8 votes to distribute as they like between those 16 nominees. The 8 nominees with the highest vote totals would win seats in the position.

This misunderstanding contributed to the incident on 11 February 2017.

The CD12 Rules Report, second page as adopted, includes the following section:

"Per MDP Rules

**Cumulative Voting - used for Officers and State Central Committee

All candidates appear in alphabetical order. Each voter has as many votes as there are positions to be filled. The voter can distribute his/her vote(s) in any manner, for example all votes for one candidate or one per position to be filled, or anything in between. Those elected are those with the highest vote total, counting down to the number of positions to be filled.

We will be using Cumulative Voting on State Central voting. Each position will be voted on at one at a time. Proportional voting still applies."

The first paragraph is an exact quote from the MDP Directive on Proportional Voting. The second paragraph, beginning "we will be using Cumulative Voting...", does not appear in the MDP DPV explanation of cumulative voting, or anywhere else in the MDP DPV. Despite the fact it is asserted to be "Per MDP Rules".

When Michigan for Revolution members raised the point of order challenging the voting procedure adopted by the CD12 caucus, the MDP Parliamentarian repeatedly pointed to the second two sentences of this second paragraph to justify the chair's interpretation.

"Each position will be voted on at one at a time. Proportional voting still applies."

Anyone familiar with the technical language of proportional voting in general, or the procedure for cumulative voting in particular, understands that while it is perfectly acceptable to vote on each "position" one at a time, it is entirely contrary to the process for many systems of proportional voting, including cumulative voting and slate voting, to vote for each "seat" one at a time.

The chair's "interpretation" of cumulative voting as adopted by the CD12 caucus and defended by the MDP parliamentarian, made exactly this mistake of confusing "positions" with "seats".

4. 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.

5. Appearance of impropriety.

Put together, the flaws in the CD12 election amount to many obvious violations of MDP rules. Each individually is perhaps understandable. Put together, they have the appearance of a pattern.

If someone wanted to ensure the majority would win every seat on the State Central Committee from CD12, misleading members to believe slate voting would be used by publishing the procedure for slate voting and no other, while intending to use a different system would be a good way to start.

Selecting cumulative voting as the system to substitute would be an obvious next step for two reasons. First, it is the most complicated and therefore the easiest to confuse people with - especially people who don't know the rules particularly well. Second, it is the only system in the MDP Directive on Proportional Voting that can be followed to the letter, and yet under the circumstances of Congressional District caucus voting at the MDP Convention, still ensure the minority loses every vote. A situation exacerbated by the "no secret ballots" requirement of MDP Rule 2.A.9, as explained earlier.

In fact, in discussions later the same day - at the Convention - Michigan for Revolution members were informed that should we raise an appeal such as this, those arguing for the majority would insist that even if cumulative voting were used properly, they could

still have obtained the same result. That there are members of the majority who were in the room at the time of the election, and who knew and understood this on the day of the election is troubling.

What is more deeply troubling is that they apparently do not realize - or at least hope no one else realizes - that this is an admission that cumulative voting does not meet the requirements of the MDP Directive on Proportional Voting. Once again, the requirement is *proportional voting*, not any specific system.

If someone were concerned that an appeal might be filed against some Congressional District caucus election(s), scheduling the first meeting of the State Central Committee immediately after the convention would be desirable, as the very first vote of such a meeting would be to certify the results of elections at the state convention. And this is in fact the very first vote taken at the State Central Committee meeting. If such scheduling is common practice purely out of convenience, all the better for any nefarious actor(s).

To anyone seeking to dismiss an appeal under these circumstances, it would be useful to point to MDP Rule 13.E.7, and say that the time for appeal has passed, as the Appeals Committee has not acted in time, according to the Rules. If that were not successful, as indeed it should not be as argued under Timing and Procedure, anyone seeking to dismiss this appeal would find it convenient to argue that the State Central Committee has already certified the results, so however regrettable it may be, nothing can be done. Again, this argument must be rejected. To accept it effectively neuters the appeals committee, subordinating it to whoever schedules State Central Committee meetings, granting the scheduler the power to deny any appeal of the elections process for the MDP's highest governing body - disenfranchising MDP members of their right to appeal under MDP Rules Article 13, and disenfranchising minority groups of their right to proportional representation on the SCC under the MDP Rules.

We do not assert any malicious intent on the part of any MDP members. We merely note that taken together, these flaws in the process set up exactly the most agreeable circumstances any nefarious actor(s) could have hoped for; and certainly creates an appearance that the MDP would wish to avoid.

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 CD12 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

There were exactly two groups with candidates at the CD12 caucus on 11 February 2017. By Michigan for Revolution’s count reported at the time, the first head to head vote taken during the caucus showed Michigan for Revolution to have 78 out of 206 votes, or 38% of the total vote. We consider this vote somewhat, and the remaining votes significantly, tainted by the atmosphere in the room driven by the chair’s refusal to follow the rules. The average of the votes reported by the chair, which do not appear to show the first vote at all, show Michigan for Revolution with an average of 27.1% if the total vote. The average of all votes as best available is 28.9%.

Correctly applied and fairly run, a minority group can expect to obtain approximately a percentage of the seats available in each position equal to the percentage of the whole the minority makes up.

With 28.9% of the votes, under the MDP Rules correctly applied, the Michigan for Revolution minority would likely have won representation on the MDP SCC as follows:

| Position | Number of Seats | Percent of Vote | Seats Won |
|------------------------|-----------------|-----------------|-----------|
| SCC Member - Male | 8 | 28.9% | 2 |
| SCC Member - Female | 7 | 28.9% | 2 |
| SCC Alternate - Male | 7 | 28.9% | 2 |
| SCC Alternate - Female | 8 | 28.9% | 2 |

We request the CD12 Michigan for Revolution slate be awarded seats on the MDP SCC as listed above.

Remedy 2: Hold New Elections

If the compromised offered in Remedy 1 is not acceptable, a new election must be held. In order to comply with MDP Rule 2.A.5, either it must be held using slate voting, as that was the only voting system publicized prior to the original election. In fairness to all involved, it must be held at mutually agreed time and place.

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. In every place where the rules reference proportional voting or a voting system where the distinction is important, clearly explain the difference between “position” and “seat”; not necessarily with those terms, but with a set of terms consistent across all MDP documents and documents of MDP units.
 - d. Re-write the MDP Directive on Proportional Voting to clearly distinguish between “proportional voting” between counties and “proportional voting” to insure proportional representation of other groups in the minority; include detailed examples of all voting methods allowed.
- B. Remove cumulative voting from the Directive on Proportional voting, as it does not meet the definition of proportional voting in the circumstances under which many MDP units vote.
- 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.
- D. 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.
- E. 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.
- F. Require all officers and committee members of the MDP to complete the training program of 2.E.a - 2.E.d.
- G. Forbid any officeholder who has not successfully completed 2F from conducting any election in the MDP or any unit of the MDP.
- H. Require successful completion of 2.E.a - 2.E.e a prerequisite for nomination for parliamentary positions at every level of the MDP.
- I. Require a parliamentarian so trained be present at all MDP Congressional District or other MDP Unit caucuses whenever elections are held.

- J. Require these recommendations be fully and properly funded by the MDP.
 - K. 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
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Respectfully Submitted on this 24th day of February 2017, by the undersigned Michigan Democratic Party Members and Michigan for Revolution:




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