

MICHIGAN DEMOCRATIC PARTY
APPEALS COMMITTEE

IN THE MATTER OF THE APPEAL OF
LIANO SHARON AND OTHERS AND
MICHIGAN FOR REVOLUTION AS TO
THE FIFTH CONGRESSIONAL DISTRICT
FEBRUARY 11, 2017, CAUCUS AND
ELECTION OF STATE CENTRAL COMMITTEE
DELEGATES AND ALTERNATES /

DECISION

On February 24, 2017, Liano Sharon and others filed an appeal, for and on behalf of Michigan for Revolution, contending that Fifth Congressional District Caucus election for State Central Committee delegates and alternates held on February 11, 2017, prior to the Michigan Democratic Party convention, was conducted in violation of Michigan Democratic Party rules 2.A.5, 2.A.8, 2.B.2, 2.B.5, Article 11 and the MDP Directive on Proportional Voting. The Fifth Congressional District filed a timely response to the appeal.

1. The appeal

The appeal was summarized as follows:

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.

2. The applicable rules

Article 2 of the MDP Rules, Policy, sets forth, in Section A, the party's Fundamental Principles. Article 2.A.5 provides:

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 procedure at all levels of the Democratic Party organization.

Article 2.A.8 provides:

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.

Article 11 and the MDP Directive on Proportional Voting also require the use of proportional voting.

3. The facts.

Conventions of the Michigan Democratic Party and of its county and congressional district parties follow a set pattern, established initially by state statute in 1954, and dictated, in part, by the election schedule, with elections for federal and state elective offices occurring in even numbered years.

Every even numbered year there is a fall convention which nominates those candidates for state or national office who are not nominated in primary elections. County parties are required to meet in convention within 20 days

following the November election in even numbered years. MDP Rules, Article 5.A. This rule also requires that notice of this county convention be sent to all delegates at least 14 days before the date of the convention.

Every odd numbered year there is a spring state convention at which the state party officials are elected. Congressional district parties are required to hold their caucuses for the purpose of electing their officers at the spring state convention, with the exception of congressional district parties in which the majority of the voters reside in a county having a population over 1,500,000. MDP Rules, Article 6.A. Historically, this exception applied to the two Wayne County congressional districts. These parties have sometimes held their elections a few weeks prior to the spring state convention. The rule regarding congressional district conventions contains no requirement about notice of the date. These provisions, which, as noted, track state law regarding conventions, have been in effect for at least 60 years.

MDP Rule, Article 6.A sets forth the congressional district officers to be elected at the spring convention as follows: a Congressional District Chairperson, a Vice-Chairperson of the opposite sex of the Chairperson, a Secretary, a Treasurer and a committee of at least fifteen (15) members. It further provides that additional officers may be elected at the discretion of the Executive Committee.

On December 4, 2016, the State Central Committee of the Michigan Democratic Party issued the official call to the spring state convention, to be held

at 2:30 PM on February 11, 2017, at Cobo Hall in Detroit. The call stated that all congressional district caucuses would meet at 12:30 PM at designated locations in Cobo Hall to elect their officers and delegates and alternates to the State Central Committee. The call further stated that the Democratic State Central Committee would meet immediately following adjournment of the convention. This call went to all members of the State Central Committee and the Executive Committee, to all statutory officers, to the heads of all congressional and county parties, and to the heads of all caucuses and clubs.

On December 12, 2016, the Michigan Democratic Party began notifying members of the upcoming spring state convention, by email to those members for whom the party had email addresses and by regular mail for members whose email addresses the party lacked. The email notice contained a link to the convention schedule and set forth the agenda and the requirements, from MDP rules 4.B and 4.C, regarding voting & candidacy eligibility. Shortly after, the MDP created a facebook event and placed the information on the party website.

MDP Rule 4.B provides that in order to vote at any convention, caucus or meeting a person must be a member of the party for at least 30 days. On January 9, ahead of the membership deadline, emails were sent to lapsed members urging them to renew their membership in order to be eligible to vote at the convention. Finally, in the week leading up to state convention, the MDP sent several emails to members urging them to attend and providing them with their membership ID number for easier check in at Cobo Hall.

The Fifth Congressional District Caucus convened, in accordance with these notices, on February 11, 2017, at 12:30 PM in Cobo Hall. In response to the appeal, the Fifth Congressional District Chairperson Art Reyes stated that the convention rules were distributed immediately prior to the convention and were adopted without objection. Those rules provided that the elections would proceed office by office and that procedure was followed as the caucus elected its officers and state central committee delegates and alternates.

4. Analysis

a. Publication of election procedures.

The appeal does not contend that the members of Michigan for Revolution or any of the persons signing the appeal were aggrieved by failure to be advised of the convention or the rules regarding caucus elections and, in fact, there is no dispute but that the appellants and other members of Michigan for Revolution were well aware of the convention and its requirements, attended meetings to prepare for it, attended the convention, and ran for election to various positions in a number of congressional district caucuses.

The appeal argues that it matters not that all of the information regarding the convention was publicized by the state party and by other party units. It contends that the Fifth Congressional District had an independent obligation under Rules 2.A.5 to publicize this information.

This same contention was made in *In The Matter of the Appeal of Virginia Williams and Others as to the February 15, 2015, Caucus of the 13th*

Congressional District. This committee rejected that argument in its 2015 opinion as follows:

The rules require that county and congressional district parties publicize the 'legal and practical procedures for selection of Democratic Party officers' and the 'legal and practical qualifications for all officers.' The appellants apparently contend that these general statements of fundamental principles impose upon congressional district parties an obligation to send a notice of the officer positions to be elected prior to each spring convention and elections. The rules do not, either explicitly or implicitly, impose that obligation. They do not state when and how this information is to be publicized.

For at least 60 years, since the passage of the Michigan election law, 1954 PA 116, the MDP Rules have required that every congressional district party have a convention to elect officers in the spring of every odd numbered year. In addition, the rules of the MDP have long set forth the congressional district party offices which are to be filled by election at the odd numbered year spring convention. Article 6.A.

...
The rules upon which the appellants rely do not require that information which has for many decades been adequately publicized be publicized again by the congressional district party prior to each party meeting.

...
In sum, there is no evidence that any party member or precinct delegate was unaware of the date, time and place of the 13th Congressional District Democratic Party convention for the election of officers or of the officer positions to be elected at that convention. The only contention made in this appeal is that the 13th Congressional District party did not give notice of what was publicized by others and well known to all. There is no requirement in the MDP rules that the congressional district party provide such notice. The fundamental principles on which the appeal relies cannot be interpreted to impose this requirement.

This conclusion is equally applicable in the instant case. The Fifth Congressional District party had no independent obligation to publicize election procedures when these are well publicized by the state party. This argument is without merit.

b. Notice to prospective members

The appellants also cite language in Rule 2.A.5 stating that publication needs to inform *prospective* members of pertinent procedure and requirements in order that they have the opportunity to participate. They contend that since persons must be party members at least 30 days prior to a convention in order to vote and be eligible for election to office these rules should be interpreted to require notice of more than 30 days, suggesting that 45 days may be necessary. In fact, notice of the convention and the caucus elections was made more than 30 days prior to the convention, as described above. However we will address the argument regarding the requirement of notice to prospective members as the identical argument was made and rejected in a prior appeal, *In the Matter of the Appeal of Asraf Al-Awamleh and Others As to the Call to Convention of the Michigan Democratic Party Youth Caucus*. This committee considered the argument and in its 2007 decision stated as follows:

The appeal contends that because a person must be a party member for at least 30 days in order to vote or hold office, the convention must be scheduled far enough in advance to give prospective members time to join and to be members for 30 days. This argument misreads the rules. This rule does not require that prospective members have the opportunity to fully participate at the *very next* convention. It requires only that the rules be published so that persons who wish to participate know how to do so.

The appellant's argument in the instant case that prospective members did not receive required notices is similarly without merit.

c. Use of single person slate voting

Appellants contend that the Fifth Congressional District failed to comply with the party rules requiring the use of proportional voting. The caucus used single person slate voting, allowing nominations of single person slates for each office and voting on each of those offices separately.

The State Party Directive on Proportional Voting sets forth a number of voting systems which comply with the directive, including cumulative voting, list or slate voting, and at-large preferential voting. Section II.B of the Directive, on list or slate voting, provides:

When slate voting is used, the rules should describe a nominating process that groups the positions to be filled by title and gender. *It is permissible for such groupings to create single member offices so long as equal division of gender is maintained.* (Emphasis added.)

In a prior appeal, *In the Matter of the Appeal of Johnny Cash and Others as to Elections Held at the November 15, 2006, Convention of the Calhoun County Democratic Party*, this Committee considered an identical contention, that single person slate voting violated the Directive on Proportional Voting. In its 2007 decision the Committee rejected that argument, relying upon the language quoted above, and relying also on an earlier decision issued by this committee in 1996, *In the Matter of the Appeals of Michael R. Shpiece, Ann Harp and Others as to the Officer-at-Large Elections of the Oakland County Democratic party on March 12, 1996*, in which we held that the above-quoted language recognizes the permissibility of voting separately for each position to be filled. We also noted that the Party Affairs and Delegate Selection Committee of the Democratic

National Committee, in a letter dated April 15, 1996, had concluded that a separate election for each delegate position was an acceptable slate voting practice consistent with the proportional voting requirement. We concluded, “In sum, a separate election for each individual office to be filled constitutes slate voting within the meaning of the MDP rules.”

As we concluded in these earlier cases, single person slate voting satisfies the party rules and its directive on proportional voting. Accordingly, the contention that the election violated the party rules is without merit.

d. Meeting of the State Central Committee

The appeal also contends that the meeting of the State Central Committee held following the close of the convention was violative of the party rules. As the appeal notes, this contention is raised in a separate appeal and is addressed there.

CONCLUSION

In conclusion, the allegation that the referenced fundamental principles of the Michigan Democratic Party were violated is unsubstantiated. The Michigan Democratic Party sent adequate notice of the state spring convention and of the congressional district caucuses and elections of officers and delegates. The party rules and long existing practices all provided more than adequate information about the positions to be elected and the procedures to be followed. There is no evidence that any party member was unaware of or uninformed about the caucus election. The fundamental rules of the party do not require the congressional

district party to provide notice already provided.

Further, the state party directive on proportional voting was satisfied by the use of single office slate voting.

AWARD

The appeal is denied.

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Dated: March 28, 2017