

AFFIDAVIT FOR FLORIDA CHALLENGE NUMBER TWO:  
WHEN A VIOLATION OF TIMING OCCURS BY A STATE PARTY THE NUMBER  
OF PLEDGED DELEGATES SHALL BE REDUCED BY FIFTY PERCENT (50%)

I, \_\_\_\_\_, hereby state the following:

1. My name is \_\_\_\_\_;
2. My address is \_\_\_\_\_;
3. My telephone number is \_\_\_\_\_;
4. My agent of record is Jon M. Ausman, Member, Democratic National Committee, 2202 Woodlawn Drive, Tallahassee, Florida, 32303-3915, 850-321-7799, [Ausman@embarqmail.com](mailto:Ausman@embarqmail.com);
5. I am a registered or enrolled Democratic voter in the State of Florida;
6. I am a resident of the State of Florida;
7. I subscribe to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States;
8. The State of Florida Republican dominated legislature passed a bill providing for Florida's presidential preference primary to be moved forward to Tuesday, 29 January 2008, and for the use of optical scan voting machines with a paper verifiable ballot;
9. The Florida Democratic Party opposed moving the primary forward to 29 January 2008 and in written correspondence with the Florida Senate and House asked that if a move occurred it respected the 5 February 2008 window adopted by the Democratic National Committee;
10. Efforts, however belated, by the Democratic leaders of the Senate and House to move the primary to 5 February 2008 or later failed;
11. The 2008 Delegate Selection Rules for the Democratic National Convention were adopted on or about Saturday, 19 August 2008;
12. The Delegate Selection Rules in Rule 20 states "In the event the Delegate Selection plan of a state party provides or permits a meeting, caucus, convention or primary which constitutes the first determining step in the presidential nominating process to be held prior to or after the dates for the state as provided

- in Rule 11 of these rules...the number of pledged delegates elected in each category allocated to the state pursuant to the Call for the National Convention shall be reduced by fifty percent (50%), and the number of alternates shall also be reduced by fifty percent (50%).” (Rule 20,C,1,a);
13. The Call for the 2008 Democratic National Convention was adopted by the Democratic National Committee on or about Friday, 2 February 2007;
  14. The Call for the 2008 Democratic National Convention assigned a total of 185 pledged delegate votes and 31 alternates to Florida (Appendix B);
  15. On or about Saturday, 25 August 2008, the DNC staff issued a review of the Florida Delegate Selection Plan which recommended to the Rules and Bylaws Committee to find the plan in non-compliance because “The material deficiency is entirely related to the date of the presidential preference primary and the resulting violation of timing”;
  16. The DNC staff review stated “A state Plan that violates the timing provisions of Rule 11 is in Non-Compliance with the Rules and is subject to provisions of Rule 20.C. These sanctions include the automatic reduction of delegates and alternates and the prohibition of presidential candidate campaign activities outlined in Rule 20.C.(1) and the imposition of additional sanctions as provided in Rule 20.C.(5) and Rule 20.C.(6).”
  17. On or about Saturday, 25 August 2008, the Rules and Bylaws Committee of the Democratic National Committee (DNC) “voted to increase the delegate reduction equal to a 100% reduction of all pledged and unpledged delegates allocated to Florida”;
  18. On or about Tuesday, 28 August 2008, the Co-Chairs of the DNC Rules and Bylaws Committee transmitted a letter to FDP Chair Karen Thurman stating the FDP Delegate Selection Plan was in non-compliance for “violation of timing” and that the DNC Rules and Bylaws “Committee voted to increase the delegate reduction equal to a 100% reduction of all pledged and unpledged delegates allocated to Florida” based on Rule 20.C.1.(a), Rule 20.C.5 and Rules 20.C.6 of the 2008 Delegate Selection Rules;
  19. The Charter of the Democratic Party of the United States in Article Ten states “Each official body of the Democratic Party created under the authority of this Charter shall adopt and conduct its affairs in accordance with written rules, which rules shall be consistent with this Charter....” (Article Ten, Section 3);
  20. The Rules and Bylaws Committee is required by the Charter of the Democratic Party of the United States to “conduct its affairs in accordance with written rules” (Article Ten, Section 3);

21. The 2008 Delegate Selection Rules for the Democratic National Convention state in Rule 20.C.(1).(a) “In the event the Delegate Selection Plan of a state party provides or permits a meeting, caucus, convention or primary which constitutes the first determining stage in the presidential nominating process to be held prior to or after the dates for the state as provided in Rule 11 of these rules...the number of pledged delegates elected in each category allocated to the state pursuant to the Call for the National Convention shall be reduced by fifty (50%) percent, and the number of alternates shall also be reduced by fifty (50%) percent”;
22. Rule 20.C.(1).(a) mandates that a timing violation “shall” result in a reduction of the pledged delegates and alternates by fifty percent(50%);
23. The Rules and Bylaws Committee, by imposing a penalty of a one hundred percent (100%) reduction violated Rule 20.C.(1).(a) as the only finding of non-compliance was the timing of the Florida Presidential Preference Primary;
24. The Rules and Bylaws Committee justified the one hundred percent (100%) reduction in Florida’s pledged delegates based on 2008 Delegate Selection Rule 20.C.(6);
25. Rule 20.C.(6) states “Nothing in these rules shall prevent the DNC Rules and Bylaws Committee from imposing sanctions the Committee deems appropriate with respect to a state which the Committee determines has failed or refused to comply with these rules where the failure or refusal of the state party in not subject to subsections (1), (2) or (3) of this section C”;
26. The only written justification for a penalty against the Florida delegate selection plan was a violation of timing as defined in Rule 20.C.(1);
27. Rules 20.C.(6) specifically states that the Rules and Bylaws Committee shall “not” imposed additional penalties on Florida since it is being penalized under Rule 20.C.(1);
28. The Rules and Bylaws Committee justified the one hundred percent (100%) reduction in Florida’s pledged delegates based on 2008 Delegate Selection Rule 20.C.(5);
29. Rule 20.C.(5) states “Nothing in the preceding subsections of this rule shall be construed to prevent the DNC Rules and Bylaws committee from imposing additional sanctions, including, without limitation, those specified in subsection (6) of this section C, against a state party and against the delegate from the state which is subject to the provisions of any of subsections (1) through (3) of this section C, including, without limitation, establishing a committee to propose and implement a process which will result in the selection of a delegation from the affected state which shall (i) be broadly representative, (ii) reflect the state’s

- division of presidential preference and uncommitted status and (iii) involve as broad participation as is practicable under the circumstances”;
30. The only written justification for a penalty against the Florida delegate selection plan was a violation of timing as defined in Rule 20.C.(1);
  31. Rule 20.C.(5) specifically states the Rules and Bylaws Committee may impose “additional sanctions including...those specified in subsection (6)”;
  32. Rule 20.C.(6) specifically states the Rules and Bylaws Committee shall “not” impose additional penalties on Florida since it is being penalized under Rule 20.C.(1);
  33. The Call for the Democratic National Convention states in Appendix B that Florida shall have 121 district level pledged delegates, 40 at-large pledged delegates and 24 party leaders and elected officials pledged delegates for a total of 185 pledged delegates (Article B, page 33);
  34. The Call for the Democratic National Convention states in Appendix B that Florida shall have
  35. A fifty percent (50%) reduction of 185 pledged delegates is 92.5;
  36. A fifty percent (50%) reduction of 31 pledged alternates is 15.5;
  37. The 2008 Delegate Selection Rules for the Democratic National Convention states “In determining the actual number of delegates or alternates by which the state’s delegation is to be reduced, any fraction below .5 shall be rounded down to the nearest whole number, and any fraction of .5 or greater shall be rounded up to the next nearest whole number (Rule 20.C.1.(a));
  38. The 2008 Delegate Selection Rules for the Democratic National Convention mandates for a timing violation by Florida a reduction of 93 pledged delegates and 16 pledged alternates (Rule 20.C.1.(a));
  39. After a fifty percent (50%) reduction Florida should have 92 pledged delegates and 15 pledged alternates;
  40. The motion adopted by the DNC Rules and Bylaws Committee “to increase the delegate reduction equal to a 100% reduction of all pledged and unpledged delegates allocated to Florida” is inconsistent with the 2008 Delegate Selection Rules for the 2008 Democratic National Convention;
  41. The remedy I seek is for the DNC Rules and Bylaws Committee to revisit its motion of 25 August 2007 and adopt a motion which shall be consistent with the 2008 Delegate Selection Rules for the 2008 Democratic National Convention;

42. The remedy I seek is for the DNC Rules and Bylaws Committee to revisit its motion of 25 August 2007 and specifically state that Florida shall have 92 pledged delegates as voting delegates and 15 alternates to the 2008 Democratic National Convention;
43. The remedy I seek is for the DNC Rules and Bylaws Committee to revisit its motion of 25 August 2007 and specifically state that Florida shall have 185 pledged delegates as voting delegates, three (3) add-on unpledged delegates as voting delegates and 31 alternates to the 2008 Democratic National Convention;
44. I have been injured by the action of the DNC Rules and Bylaws Committee in the following specific ways: Florida is entitled to representation, even if reduced, at the 2008 Democratic National Convention; denial of delegates means Florida shall have no input on the Democratic nominees for President and Vice President, on the 2008 Democratic Platform or on proposed amendments to the Charter and Bylaws of the Democratic National Convention; the Democratic candidates for President of the United States have not campaigned in Florida; the national media has ignored the interests of Florida; and, the opportunity to energize the Democratic base in Florida because of vigorous primary campaigning has been missed;
45. The following is a list witnesses likely to be called to testify in support of the challenge: Karen Thurman, Chair of the Florida Democratic Party (214 South Bronough Street, Tallahassee, Florida, 32301, 850-222-3411); Jon Ausman, Member of the Democratic National Committee (2202 Woodlawn Drive, Tallahassee, Florida, 32303-3915, 850-321-7799); Janee Murphy, Secretary of the Florida Democratic Party (214 South Bronough Street, Tallahassee, Florida, 32301, 813-503-7391);
46. The following documents are likely to be offered in support of the challenge: the Charter and Bylaws of the Democratic Party of the United States; the Call for the 2008 Democratic National Convention; Delegate Selection Rules for the 2008 Democratic National Convention; Regulations of the Rules and Bylaws Committee; the DNC Rules and Bylaws Committee staff review of the Florida Delegate Selection Plan; correspondence from and to the Co-Chairs of the DNC Rules and Bylaws Committee; correspondence from and to the DNC Secretary; legal documents from Ausman et al v. Browning filed in the Federal District Court of North Florida (4:2007CV00519); correspondence from and to Jon M. Ausman, Member of the Democratic National Committee.

Under penalties of perjury, I declare that I have read the foregoing Affidavit and declare that the facts stated in it are true.

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ of March, 2008, by

\_\_\_\_\_  
(signature of person making statement)

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Name of Notary Typed, Printed or Stamped

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_