

BEFORE THE MICHIGAN DEMOCRATIC PARTY STATE CENTRAL COMMITTEE AND THE RULES AND BYLAWS COMMITTEE OF THE DEMOCRATIC PARTY

**IN RE: IMPLEMENTATION CHALLENGE FOR MICHIGAN DEMOCRATIC
PARTY DELEGATE SELECTION OF APRIL 19, 2008 AND MAY 17, 2008**

**PETITIONERS: WILLIAM ALLEN SIMPSON, DENNIS W. TOKARSKI,
JAMES A. MCINTOSH, WILLIAM R. LOCKWOOD, CYNTHIA Y. VALERIO,
THOMAS J. VALERIO, NAOMI G. HARRISON, *et alia***

1. The *Charter of the Democratic Party of the United States*¹ (hereinafter “Charter”) — last amended December 5, 2005 — provides in Article One, The Democratic Party of the United States of America shall:

Section 4. Establish standards and rules of procedure to afford all members of the Democratic Party full, timely and equal opportunities to participate in decisions concerning the selection of candidates, ... and further, to promote fair campaign practices and the fair adjudication of disputes. ...
2. Pursuant to the *2008 Delegate Selection Rules for the Democratic National Convention*² (hereinafter “Rule”) — adopted by the Democratic National Committee (hereinafter “DNC”), August 19, 2006 — and the *Regulations of the Rules and Bylaws Committee for the 2008 National Convention*³ (hereinafter “Reg.”) — adopted by the DNC Rules and Bylaws Committee (hereinafter “DNC RBC”), December 2, 2006 and amended February 1, 2007 — this petition challenges the decision of the Michigan Democratic Party to utilize a January 15, 2008, unsanctioned presidential primary for the purpose of selecting delegates to the National Convention.
3. The Michigan Democratic Party has been denied a waiver of Rule 11.A, and was penalized by the DNC Rules and Bylaws Committee. [DNC RBC Minutes of December 1, 2007, pp 73–74]
4. The Michigan Democratic Party failed to submit a new plan within the 30 days required by the DNC Rules and Bylaws Committee.

¹ Available as of April 19, 2008 at: http://www.democrats.org/a/2006/01/dnc_charter_and.php

² Available as of April 19, 2008 at: <http://www.democrats.org/page/-/pdf/DelegateSelectionRules.pdf>

³ Available as of April 19, 2008 at: <http://www.democrats.org/page/-/pdf/2008RegulationsoftheRBCFINAL.pdf>

5. As a result of the Michigan Democratic Party's decision to utilize or otherwise participate in the January 15, 2008, unsanctioned presidential primary, the following Democratic candidates notified the Michigan Secretary of State that they would not be participating in the unsanctioned primary:
 - a. Senator Joseph Biden
 - b. Senator John Edwards
 - c. Senator Barack Obama
 - d. Governor Bill Richardson
6. Petitioners would have voted for one of the candidates listed above in a DNC sanctioned primary or caucus, such as February 9, 2008 that was scheduled in the previously approved Michigan Delegate Selection Plan.
7. District-level delegates were selected on April 19, 2008. Final approval, and selection of at-large and other delegates, is scheduled on or about May 17, 2008.
8. As of this date, the Michigan Democratic Party has not listed selected delegates on its website, and has failed to respond to a request for the list. The information is unavailable to the challenging parties.
9. Petitioners assert that the Reg. 3.4.C time for filing does not begin running until the list of selected delegates is published. In any case, the petition will be filed prior to the final action of the Michigan Democratic Party on May 17, 2008.
10. Petitioners allege the pledged delegates and alternates do not fairly reflect the expressed presidential preferences of convention participants on April 19, 2008.
11. Petitioners allege the unpledged and pledged party leaders and elected official (PLEO) delegates did not abide by approved DNC Rules, resulting in the unsanctioned presidential primary. Their actions have injured petitioners.
12. Petitioners allege the PLEO delegates are not selected by approved DNC Rules, specifically Rules 9.C and 9.D. This action will injure petitioners.
13. Petitioners allege the Clinton campaign failed to abide by approved DNC Rules, specifically Rule 20.C(1)(b). Their actions have injured petitioners.
14. Pursuant to Reg. 3.4.D.i.(f) and 3.4.C, the Michigan Democratic Party is expected to act within 21 days after the date the implementation challenge is filed.
15. Pursuant to Reg. 3.4.D.i.(g.) and 3.4.D.ii.(a.), to avoid excessive duplication and repetition, the Relief and other statements in the detailed Implementation Challenge are hereby incorporated by reference.

16. Sufficient Verified Challenges of individuals satisfying the requirements of Reg. 3.2.A (and 3.4.C) will be filed prior to May 17, 2008.

Proof of Service

Pursuant to Reg. 3.3.A, I have served this Petition by electronic mail upon:

RBC Co-chairs
Democratic National Committee
430 South Capitol St. SE
Washington, DC 20003
DyerA@dnc.org

Mark Brewer
Michigan Democratic Party
606 Townsend St.
Lansing, MI 48933
mbrewer@michigandems.com

Dated: May 4, 2008

/s/ _____
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