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## URGENT MEMO FROM THE FLORIDA DEMOCRATIC PARTY

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**DATE:** 3/12/08

**TO:** HILLARY CLINTON, BARACK OBAMA, HOWARD DEAN, BILL NELSON, ALCEE HASTINGS, CORRINE BROWN, ALLEN BOYD, ROBERT WEXLER, KENDRICK MEEK, DEBBIE WASSERMAN SCHULTZ, RON KLEIN, TIM MAHONEY, ALEX SINK, STEVE GELLER, FEDERICA WILSON, DAN GELBER, JOYCE CUSACK, DIANE GLASSER, CARRIE MEEK, LUIS GARCIA, CLARENCE ANTHONY, RUDY PARKER, JANE MURPHY, JON AUSMAN, TERRIE BRADY, MITCH CEASAR, ALLAN KATZ, RAUL MARTINEZ, CHUCK MOHLKE, STATE EXECUTIVE COMMITTEE MEMBERS, COUNTY DEC CHAIRS

**CC:** ALEXIS HERMAN, JAMES ROOSEVELT, DAVID PLOUFFE, MAGGIE WILLIAMS

**FROM:** KAREN THURMAN

**RE:** RESOLVING THE FLORIDA PRIMARY

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Democratic Leaders –

I urge you to fully consider the following information thoughtfully and thoroughly, remembering that we are all in this primary situation together. There is no question that we must move quickly to deal with the dispute over Florida's Democratic Presidential Primary. Fingers have been pointed in every direction, but how we arrived at this breaking point is irrelevant. The stark reality is that *all* Democrats lose if this is not resolved immediately.

Florida Senate Democratic Leader Steve Geller commissioned a poll of voters who participated in the state's January 29<sup>th</sup> Democratic Presidential Primary. The results are striking – 59% of those Democrats want a revote. Moreover, only 63% of these primary-voting Democrats are committed to sticking with our eventual nominee if Florida voters are not counted. That number is dangerously low.

We must refocus our discussion of this issue on the people of Florida. Restoring their faith in the Democratic Party is of paramount importance. No action is truly a solution if it leaves Florida voters feeling that they were excluded from the most exciting nominating contest in history. Because of the unprecedented nature of the national race, a situation that previously was a relatively minor, party-insider issue now has the potential to result in irreparable damage for years to come. The people of Florida are not responsible for this dilemma and should not be unfairly punished by losing their right to vote.

It is true that a record-breaking 1.75 million Democrats voted on January 29<sup>th</sup> in an open and fair election. The Florida Democratic Party has been adamant and consistent for many months that the results of this election should be counted and the allocated delegates seated because it was the only opportunity for all Florida Democrats to participate.

Unfortunately, it is becoming increasingly clear that there is no possibility the presidential campaigns and the DNC will agree to seat the delegation as is. Some have suggested that to resolve this issue Florida's delegation be split evenly between the candidates, and potentially restore the superdelegates' votes. However, the DNC has informed the Party that this is not an option under the Rules. Additionally, it does not allow the voters to participate in the process.

Attached is a draft outline of a proposal I would like you to review as soon as possible. It is the only option that has been presented to me that offers Florida voters a voice in the nominating process. After you have seriously considered it, please respond directly to me or Executive Director Leonard Joseph via email or phone by the close of business Friday with your comments, concerns and suggestions. I will review all input over the weekend and be in touch again on Monday. If the consensus is that we should take the next step, the Party is fully prepared to do so and will make available a full delegate selection plan for a 30-day public comment period. If not, the Party cannot and will not move forward without your support. Thank you.

DRAFT

(3/12/08)

**FLORIDA DEMOCRATIC PARTY**

First Determining Step Outline

**2008 Presidential Primary**

DRAFT

(3/12/08)

## **INTRODUCTION**

The Florida Democratic Party feels very strongly that it is our duty to ensure that the state's Democratic voters have the opportunity to participate in the nominating process. When the Florida Legislature moved the state's Presidential Primary to January 29<sup>th</sup>, the Florida Democratic Party's Delegate Selection Plan became out of compliance with the DNC Rules. The Party looked for ways to comply with the Rules, but until now, there was no realistic alternative.

The Florida Democratic Party feels that it is absolutely necessary to make a serious attempt to resolve this issue now and become compliant with the DNC Rules in order to restore faith to the state's Democratic voters and put this dispute behind us all. We have spent more than a year researching all potential options. We conducted an extremely in-depth study of Oregon's vote-by-mail process and how it would apply to Florida. We also studied caucuses as they have been held in Iowa, Michigan, Nevada and other states. County conventions were considered as well.

We have reexamined every potential alternative again. Only one stands out as fair, open, practical and feasible at this time. We are positive that a combination vote-by-mail and in-person election can be conducted in the time available – but only if Democratic leaders support the plan.

The following is the Florida Democratic Party's draft outline of this plan: a party-run Presidential Primary, which would be conducted principally by mail with 50 temporary Regional Election Offices (REOs) to ensure that disadvantaged communities have the ability to vote. Procedures would be put in place to ensure that every eligible Democratic voter has the chance to participate. Florida would share Election Day with Montana and South Dakota on June 3, two days after Puerto Rico.

This plan would be inclusive of all Democratic voters. Compliance with the Rules, full voter participation, a satisfactory resolution to the dispute that has been ongoing, and the party-building potential are just some of the plan's benefits to the Democratic Party as a whole. Also attached is a proposed timeline and budget estimate.

If the Clinton and Obama campaigns and Florida Democratic leaders wish to pursue this option further, the Chair will immediately establish a commission of respected and knowledgeable leaders to oversee the detailed development of the entire process and ensure its integrity throughout, in coordination with experienced staff and reputable election management firms. The commission would also be charged with designing the minority outreach element for the election, including the placement of the 50 regional offices. Comments from the general public would be solicited as well, and a serious fundraising effort would be required. This would all be completed within 30 days, at which point the State Executive Committee would vote on whether to accept the final plan. If accepted, the plan would be submitted to the DNC Rules & Bylaws Committee. We expect the final plan would be fully compliant with the 2008 Delegate Selection Rules.

## **OVERVIEW**

With the oversight of the commission, the primary will be managed by reputable election management companies who are experienced in special elections. A recognized accounting firm will provide further assurance that the process is conducted fairly and accurately. Civil rights and election law attorneys will monitor all legal aspects of the primary.

The primary will be organized at a Florida Democratic Primary Headquarters (HQ) office in Central Florida. The 50 REOs will handle local outreach and educational activity, with specific consideration given to disadvantaged communities.

Vote-by-mail (VBM) packets will be mailed to all registered Democratic voters at least two weeks prior to Election Day (likely earlier). This will be handled by a firm experienced in special elections conducted by mail. VBM packets will contain a *prepaid*, addressed return envelope and one ballot. The instructions will be simple and clearly printed on the ballot and envelope. All ballots and instructions will be printed in English, Spanish and Creole to comply with Section 2 of the Voting Rights Act. The plan can be submitted to the Justice Department for approval under Section 5.

Although VBM packets will not be forwarded, when a ballot is returned as undeliverable, a notification card will be sent to the voter's forwarding address offering the voter the opportunity to correct their registration record and receive a new VBM packet in time for the election. The undeliverable ballots also will be recorded and stored until 21 days after the voting deadline.

If a voter does not receive a ballot or whose ballot has been damaged/lost, he or she may contact HQ or an REO to request a replacement. A voter may cast an in-person provisional ballot at a regional office if their voting eligibility cannot be confirmed.

REOs will be open every day for the two weeks leading up to the voting deadline for informational purposes, distribution of replacement ballots, in-person voting, and collection of completed ballots. REOs will have a locked ballot box and will be staffed, but votes will only be counted at HQ. Every evening, the day's ballot box will be picked up from the REOs and transported to HQ. All ballots must be received by 7:00 PM on Election Day to count.

Additionally, a toll-free hotline and website will be available for informational purposes throughout the primary.

## **EDUCATION AND OUTREACH**

Thanks to the inordinate level of media coverage and the simplicity of the election (one ballot, two candidates), this new plan will require far less spending on general educational outreach than previously considered when it was originally conceived last summer. Certainly, we will advertise to disadvantaged communities and work with local DEC's to spread the word about the REOs and the ways for people without permanent addresses or in assisted living facilities to get ballots and participate.

## **BALLOT PROCESSING**

All ballot processing will take place in the central processing facility at HQ. Staff will be hired to run the facility in conjunction with the election management firm. To authenticate the ballots, the election management companies and the Party will coordinate with the Secretary of State to verify signatures if deemed necessary. The Governor's office has assured support in this effort. The election management company will handle the processing and counting, under the supervision of the accounting firm and the commission.

Each presidential candidate who appears on the ballot will be allowed to have a designated observer throughout the entire election process. Security will be present during the ballot tabulation. All workers and visitors to the central facility must be approved and credentialed.

Within seven days of the election, after counting is completed and the status of provisional or challenged ballots is resolved, the Party will certify the results of the election.

No results will be released until after 8:00 PM on the day of the voting deadline.

## **BENEFITS**

The benefits of this particular Vote by Mail election are immense. The Party will be making it easier for Democrats to vote. The process eliminates almost every traditional voting obstacle. Every registered Democratic voter will be given the opportunity to be part of the process. No one group will have an advantage. There is no direct or indirect fee to vote.

Some people will vote for the first time. Many people will vote *by mail* for the first time. Both are important to Democratic victories in the future. If the Party increases the number of Democrats who vote and the number of people who vote by mail, we can get that much closer to victory in November.

The omnibus election bill that changed the primary to January 29<sup>th</sup> included several positive measures. In addition to the guaranteed paper trail for the 2008 elections, the new law allows for a voter to request an absentee ballot for the 2008 general election and every election through 2010. These voters will never miss an election, no matter how small. This increases turnout and helps Democrats up and down the ballot.

The Party plans to include an optional party-building component, which voters may submit their ballots. Survey/issue questions could also be added, and email addresses will be requested. One question that will be asked is whether the voter would like to vote absentee in future elections. If the voter would like to request an absentee ballot for the next four years, he or she can fill out the information, and it will be forwarded to the appropriate Supervisor of Elections following the primary.

Never before has the Florida Democratic Party been able to communicate with every registered Democrat in the state. The unfortunate circumstances that led us to where we are now, ironically, provide us with an incredible opportunity to reach voters and build the party like never before.

## BUDGET

The estimated budget at this time is \$10-\$12 million, depending on the election management company, accounting firm and other factors. The final budget will be decided by the commission.

## TIMELINE

Mar. 13 - Apr. 12		Public Comment Period
Mar. 13 - Apr. 12		Fundraising
Mid-March		First Commission Meeting
Wed., Apr. 2		Official 10-day Notice of State Executive Committee Meeting
Sat., Apr. 12		State Executive Committee Meeting
Mon., Apr. 14		Submit Plan to DNC Rules & Bylaws Committee for Approval

Mid-April		Open Headquarters & Warehouse Processing Facility
Mid-April		Ballot Production Begins
Sat., Apr. 19	45 Days Out	Overseas/Military Ballots Mailed
Wed., Apr. 30	33 Days Out	Last Day to Register as a Democratic Voter
Thu., May 1	32 Days Out	Set Up Regional Offices
Fri., May 9	24 Days Out	Regular Ballots Mailed (New Overseas/Military Expedited)
Mon., May 12	21 Days Out	Regional Offices Open (prior to 14 days out at the latest)
Mon., May 19	15 Days Out	Last Day to Request Replacement Ballot
Wed., May 21	13 Days Out	Replacement Ballots Mailed
Tue., June 3	<b>Election Day</b>	Florida Democratic Primary (Ballots must be received at headquarters or a regional office by 7:00 PM)

Sat., June 14		District-Level Delegate Selection Caucuses
Fri., June 20		Unpledged Add-On, PLEO, At-Large Selection
Sat., June 21		Full Delegation Meeting to elect Chair, Pages, etc.

**-end-**

*Draft 3-12-08*