

## Grievance/Complaint/Challenge

Date: April 10, 2019

1. We, the undersigned, do hereby challenge the interpretation April 6, 2019 of Section 17 of the 2019 Convention Rules of the Shelby County Democratic Party wherein the four votes cast "Present – Not Voting" were interpreted by the Convention Committee as "not present" votes for purposes of casting votes in the Chair Election. This interpretation artificially and improperly reduced the number of votes required for a majority under the Convention Rules.
2. We, the undersigned, do hereby challenge votes from *ex-officio* participants Virgie Banks (Democratic Women) and Danielle Inez (Young Democrats), and any other *ex-officio* individuals not elected as DGC or EC March 30, 2019. These two individuals, or any other persons not elected to the DGC or EC are not eligible to vote for Chair pursuant to the Convention Rules. Any *ex-officio* individuals are not members of the DGC or EC pursuant to the definitions of the Convention Rules (paragraph 17) or the SCDP By-Laws (Article IV, Section 1).

### Discussion

Based on the information available, there were 37 votes cast for Michael Harris, 35 votes cast for "none of the above", and four votes cast "present, not voting". That is a total of 76 DGC, EC and allegedly vote-eligible *ex-officio* members present.

If the two known *ex-officio* votes are allowed to cast a vote for the Chair, that would be 76 votes present. Thirty-nine votes would be required to have a majority ( $76/2=38+1=39$ ). Therefore, under this scenario, Mr. Harris was not elected Chair.

If the two known *ex-officio* votes are removed from the total, 74 eligible voters were present. A simple majority, or "50.01% of the vote" pursuant to the Convention Rules, would be  $74/2=37 + 1 = 38$ . Thirty-eight votes were required to win. Mr. Harris only had 35 votes, excluding the *ex-officio* votes cast improperly. Therefore, Mr. Harris was not elected Chair.

Attached to this Grievance/Complaint/Challenge is a statement from Steve Mulroy, Professor of Law at The University of Memphis School of Law, stating that there is nothing in the ranked choice voting rules that supports the failure to count "present, not voting" votes used at the Convention. Prof. Mulroy was unable to be reached during the Convention due to a prior engagement.

We request that this grievance, challenge and complaint be heard pursuant to the Convention Rules pursuant and expeditiously heard and decided by the Convention Rules Committee, Convention Committee, or other appropriate authority authorized by the By-Laws and Convention Rules of the SCDP.

Based on the Convention Rules (paragraph 11), the 2017 Shelby County By-Laws were in effect for all parts of the 2019 Convention, including the Chair Election April 6, 2019. We believe that if the 2019 By-Laws voted on March 30, 2019 were used in the construction of the events of April 6, 2019, the result would be the same.

*Ex Officio* members of the SCDP are not granted voting rights in the Chair Election. While Article XV, Section 2 mentions the *participation of ex officio* members in the Chair Election, nothing in the By-Laws

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or Convention Rules grants *voting rights* to *ex officio* members. Their votes were cast illegally and in direct contravention of the SCDP By-Laws and Convention Rules.

We rely also on the following provisions of the 2017 SCDP By-Laws: Article IV, Section 2; Article VII, Sections 2, 3, 4 and 5; Article VIII, Section 3; Article IX, Section 1.

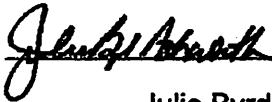
The use of the abbreviations DGC, EC and SCDP have the same interpretation as provided by the aforementioned By-Laws and Convention Rules of the Shelby County, Tennessee Democratic Party.

Request

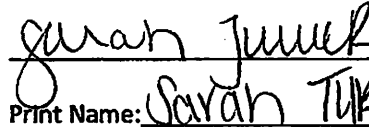
We, the undersigned, do hereby request the following:

- (1) Public Hearing of this Grievance/Complaint/Challenge in order to preserve the transparency of the process.
- (2) Disqualification of Michael Harris from hearing/decision on this Grievance/Complaint/Challenge.
- (3) Declaration that Michael Harris was not elected Chair of the SCDP April 6, 2019.
- (4) Re-open the Chair Nomination process for a second vote.
- (5) Publication of the Grievance, Hearing, Declaration, and Re-Opening of the Nomination Process.
- (6) Conduct a new vote for Chair of the SCDP consistent with the Convention Rules and SCDP By-Laws.

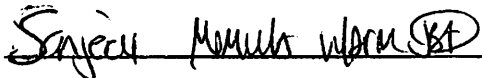
This grievance/complaint/challenge is being submitted pursuant to the Convention Rules, paragraph 14 and the SCDP By-Laws, to the extent same are mentioned or applicable herein.

  
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Print Name: Julie Byrd Ashworth

  
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Print Name: Sarah Turner

  
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Print Name: Sanjeev Monula

Print Name: \_\_\_\_\_



Sarah Turner &lt;sturneresq@gmail.com&gt;

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**RCV**

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**Steven John Mulroy (smulroy) <smulroy@memphis.edu>**  
To: Sarah Turner <sturneresq@gmail.com>

Tue, Apr 9, 2019 at 5:13 PM

Sarah: Steve Mulroy here.

I am getting back to you about your question concerning the recent election process for the chair of the Shelby County Democratic Party. As I understand it, the convention rules specific to this particular election require that a winning candidate must obtain a majority of those "present and eligible to vote." Notably, the relevant rules apparently do not specify "present and voting."

As I understand it, there are those who wish to argue that based on this language, those who voted as an abstention, or "present not voting," etc. would still count towards the denominator. In other words, the winning candidate would have to have a number of votes cast for that candidate constituting a majority of ALL votes, even including abstentions or "present not voting."

Your question to me was whether there was anything about ranked choice voting which would preclude such an argument.

My answer is no. There is nothing about Ranked Choice voting that is inconsistent with this line of reasoning. RCV is essentially silent on this question. It presumes that people will be casting a vote of some kind for individual candidates that are ranked. If the specific rules governing a particular election require that a candidate must have a majority of all those present and eligible to vote, there is nothing in the general procedures of RCV which would contradict that.

I hope this is responsive to your request, and clear, and generally satisfactory. If you have any further questions, do not hesitate to contact me.

Sent from my iPhone. Please excuse typos.