

March 14, 2008

BY FEDERAL EXPRESS, EMAIL
AND FACSIMILE TO (512) 480-2500

Mr. Boyd L. Richie
Chairman, Texas Democratic Party
State Democratic Executive Committee
505 W. 12th Street, Suite 200
Austin, Texas 78701

Dear Chairman Richie:

We want to congratulate you on the extraordinary turnout of voters across the State of Texas who participated in the March 4 Democratic presidential primary and precinct conventions. We appreciate the unprecedented administrative challenges the high turnout presented. Fortunately, the Texas Democratic Party has under its Rules and the Texas Delegate Selection Plan requirements designed to ensure that the process in which eligible voters participate is fair and one in which they can have confidence, and when there are deficiencies, requirements to ensure that those deficiencies are rectified.

In this regard we are writing to express our concerns regarding the review and tally of the official results of the State Party's precinct conventions on March 4. As you are no doubt aware, there are significant questions about whether the precinct conventions were conducted in accordance with the Party's Delegate Selection Plan and Rules. On the night of the caucus itself we brought many instances of these irregularities to the attention of the State Party. **The campaign received in excess of 2,000 complaints of rules violations**, indicating widespread violations of the Party's rules, including the following specific occurrences that are clear violations of specific rules:

- Temporary Chair packets were released by the election judge prior to 7:00 pm
- Sign-in sheets were filled out before 7:00 pm
- Precincts were consolidated for purposes of holding a convention
- Precinct caucuses began before polls closed for the primary
- Ineligible participants voted or ineligible delegates were elected, including participants who were not registered voters, participants who did not vote in the primary, provisional voters whose votes were counted, and no verification was made of the eligibility of participants or delegates
- Accurate written records of participants, presidential preferences, and elected delegates were not kept
- Participants' names and presidential preference were entered on sign-in sheets by someone other than the eligible individual participant
- Results were taken from a head count or hand count rather than the written roll
- Delegate votes were not ratified by the precinct convention
- Failure to follow Robert's Rules of Order at the precinct convention

We have had several conversations with the State Party since March 4, including conversations with Chad Dunn, regarding the procedures that the State Party intends to follow to insure that the rules were followed and that only the votes of eligible participants would be considered. We understood that we were to receive a memorandum regarding that process, but were advised yesterday that instead we would be invited to a briefing on Monday, March 17.

Last week our Counsel, Lyn Utrecht, was told by Mr. Dunn that the State Party intended to verify the eligibility of participants and that the Party's IT people were working on a system for doing that electronically. On Tuesday the 11th, when Ms. Utrecht contacted Mr. Dunn to inquire about the status of the memorandum regarding the procedures, she was advised that the State Party no longer intended to verify the eligibility of participants or delegates because the Party would not have the ability to do that before the County Conventions. This was confirmed by Mr. Dunn yesterday.

Therefore, it is our understanding that the results will be counted and delegates awarded based on a count of votes without any determination by the State Party of eligibility of the participants, and without any certification by the Precinct Chairs or County and Senate District Chairs that they completed a thorough review of the eligibility of participants and delegate candidates.

Thus it will be left to the campaigns to file credentials challenges against those delegates awarded based on the votes of ineligible participants, without the State Party making any effort to identify ineligible participants. We were advised yesterday that we will begin to receive copies of the scanned sign-in sheets sometime early next week and that it will not be until the end of next week when we will receive all of this data. In order to review this, the campaigns will also need access to the voter rolls to determine who voted in the primary held that day. While the State Party has indicated that it will request this information from the larger counties and provide it, it is unclear how soon that information will be available. For the smaller counties, the campaigns must request it from each county.

We believe this is in direct contravention of the Rules, which require that the Party determine the eligibility of participants and that only the votes of eligible participants are counted. Moreover, if the Party's reason for not ensuring that only eligible participants are counted is based on the fact that the Party cannot complete the review process prior to the scheduled date of the County and Senate District Conventions, the campaigns can't possibly complete this review in a timely fashion. Credentials challenges are presently due March 26.

We believe that (1) it is a violation of the Party's Delegate Selection Plan and Rules for the Party not to ensure that the eligibility of participants was determined before their votes are counted; and (2) if the Party cannot complete this task in time to hold the next level conventions on March 29, those conventions must be postponed until such time as accurate presidential preference counts can be made based on a review of each and every sign in sheet to determine eligibility of participants and delegates.

It is a violation of the rights of legitimate participants to have their true vote count distorted by violations of the Party's Rules. It is the Party's responsibility to ensure the integrity of the precinct convention process by making sure that the Rules were followed and that the final official results of the precinct conventions are accurate and in compliance with the Rules.

Therefore, we respectfully request that the Party explain to both campaigns what procedures will be followed to ensure the accuracy and integrity of the precinct convention results and agree to postpone the County and Senate District Conventions until such time as that process can be completed.

We look forward to working with you to ensure that the votes of the people who participated in the March 4 primary and precinct conventions are accurately counted.

Sincerely,

/s/

Garry Mauro
Authorized Representative

Guy Cecil
National Political and Field Director