



Case No.: No.

DELEGATES TO THE REPUBLICAN  
NATIONAL CONVENTION AS FOLLOWS:

Alabama Delegate, Loretta Roughton

Alabama Resident, Michael Ramzy

Alaska Delegate, Daryl Lanzon

Alaska Delegate, Barbara Andersen

Arizona Delegate, Virginia Guest

Arizona Delegate, Pepper Draper

Arizona Delegate, Annette Hardman

Arizona Delegate, Stacey Salvaggio

Arizona Delegate, Gary Benkendorfer

Arizona Delegate, Matt Papke

Arizona Delegate, Devin Tate

Arizona Delegate, Gabrielle Tate

Arizona Delegate, Seraphim Larsen

Arizona Delegate, Anna Larsen

Arizona Delegate, Cary Lockwood

Arizona Delegate, David Petersen

Arizona Delegate, Dara Vanesian

Arizona Delegate, Karen Johnson

Arizona Delegate, Jake Reed

Arizona Delegate, Blythe Guvenen

Arizona Delegate, Dr. Gary Miller

Arizona Delegate, Lee Draper

Arizona Delegate, Tom Platt

1	Arizona Delegate, Mary Platt	)
2	Arizona Delegate, Lorrie Mills-Morse	)
3	Arizona Delegate, Marko Trickovic	)
4	Arizona Delegate, Ashley W. Pritchard	)
5	Arizona Delegate, Pat Petrini	)
6	Arizona Delegate, Emily Sabo	)
7	Arizona Delegate, Joey Hardman	)
8	Arizona Delegate, Renea Rolwes	)
9	Arizona Delegate, Cyndi Nichols	)
10	Arizona Delegate, Alex Judd	)
11	Arizona Delegate, Erica Gardner	)
12	Arizona Delegate, Jason C. Tillmann	)
13	Arizona Delegate, Clair Van Steenwyk	)
14	Arizona Delegate, Jeff Bales,	)
15	Arizona Delegate, Richard Mooneyham	)
16	Arizona Delegate, Cassandra Mooneyham	)
17	Arizona Delegate, William Goode	)
18	Arizona Delegate, Delmas E. Dawley	)
19	Arizona Delegate, Joan Lewis	)
20	Arizona Delegate, Shondean Coochise	)
21	Arizona Delegate, Crystal Coochise	)
22	Arizona Delegate, Mervin Fried	)
23	Arizona Delegate, Al Diccio	)
24	Arizona Delegate, Craig Urling	)
25	Arizona Delegate, Ken R. Rineer	)

1	Arizona Delegate, Michael Eilertsen	)
2	Arizona Delegate, Harold Shull,	)
3	Arizona Delegate, Jeanne Manwiller	)
4	Arizona Delegate, Joanne Diggins	)
5	Arizona Delegate, Samuel Diggins	)
6	Arizona Delegate, Paul Diggins	)
7	Arizona Delegate, Laura Hatton	)
8	Colorado Delegate, Timothy Branthoover	)
9	Colorado Delegate, Robert Eskenberry	)
10	Colorado Delegate, Jobadiah Weeks	)
11	Colorado Alternate Delegate, Judy Spady	)
12	Colorado Delegate, Bill Holness	)
13	Iowa Delegate, Edward True	)
14	Illinois Delegate, Matthew Blick	)
15	Illinois Delegate, Brien Poutry	)
16	Illinois Delegate, James Benzik	)
17	Florida Delegate, Gerri Weits	)
18	Georgia Delegate, Sahar Hekmati	)
19	Georgia Delegate, Claudio Avendano	)
20	Georgia Delegate, Amanda Parsons	)
21	Georgia Delegate, Barbara Dunne	)
22	Georgia Delegate, Donald Woodward	)
23	Georgia Delegate, Shirley Woodward	)
24	Georgia Delegate, Nancy Holtzclaw	)
25	Georgia Delegate, Bob Holzclaw	)

1	Georgia Delegate, Cheryl Dalton	)
2	Georgia Delegate, Jimmy Dalton	)
3	Georgia Delegate, Geralyn Daniel	)
4	Georgia Delegate, Sonja Casey	)
5	Georgia Delegate, David James	)
6	Georgia Delegate, Gerel Barlett	)
7	Georgia Delegate, Aaron Guyton	)
8	Georgia Delegate, Pasty Cuson	)
9	Georgia Delegate, Lynn Warburton	)
10	Georgia Delegate, Randy Beacham	)
11	Georgia Delegate, Charles Flanagan	)
12	Georgia Delegate, Nancy Fabbri	)
13	Georgia Delegate, Louie Fabbir	)
14	Georgia Delegate, Larry S. O' Bryant	)
15	Georgia Delegate, Mark Alarcon	)
16	Georgia Delegate, Kalynn Alarcon	)
17	Georgia Delegate, Ted Metz	)
18	Georgia Delegate, Benjamin Mihalski	)
19	Georgia Delegate, Christopher Lamey	)
20	Georgia Delegate, Valorie McLain	)
21	Georgia Delegate, Marilyn Watts	)
22	Georgia Delegate, Lane Watts	)
23	Georgia Delegate, Teresa B. Swensson	)
24	Georgia Delegate, Carl A. Swensson	)
25	Georgia Delegate, Amanda M. Eskew	)

1	Georgia Delegate, Richard C. Eskew	)
2	Louisiana Delegate, Scott Chiavetta	)
3	Massachusetts Delegate, Renato D'Amico	)
4	Massachusetts Delegate, John Aaron MeKeon	)
5	Michigan Delegate, Michael Chaffee	)
6	Michigan Delegate, Tammy Cech	)
7	Michigan Delegate, William Bevan	)
8	Missouri Delegate, Lynn Kempen	)
9	Missouri Delegate, Matthew Hay	)
10	South Carolina Delegate, John Perna	)
11	New Jersey Delegate, Nathan Mooney	)
12	Nevada Delegate, Jacquelyn Smith	)
13	Nevada Delegate, F. Marie Hardenbrook	)
14	Nevada Delegate, Kristene Honzik	)
15	Texas Delegate, Matt Sistruck	)
16	Alabama Resident, Jason Williams	)
17	Maine Delegate, Michael Ferreira	)
18	Maine Delegate, Michael McDonald	)
19	Georgia Delegate, Ying Li	)
20	Arizona Delegate, Cody Whitaker	)
21	Arizona Delegate, Laura Hatton	)
22	California Delegate, David Duffina	)
23	California Delegate, Chris Saraceni	)
24	California Delegate, John Joseph Vargo	)
25		)

1                   **Plaintiffs,**                   )  
2                   **vs.**                   )  
3 Republican National Committee                   )  
4 Reince Priebus, as Chairman of the Republican                   )  
5 National Committee,                   )  
6 Alabama Republican Party                   )  
7 Bill Armistead, as Chairman of the Alabama                   )  
8 Republican Party Chairman                   )  
9 Alaska Republican Party                   )  
10 Randy Ruedrich, as Chairman of the Alaska                   )  
11 Republican Party Chairman                   )  
12 Republican Party of American Samoa                   )  
13 Mr. Victor Tofaeono, as Chairman of the                   )  
14 Republican Party of American Samoa                   )  
15 Arizona Republican Party                   )  
16 Tom Morrissey, as Chairman of the Arizona                   )  
17 Republican Party                   )  
18 Arkansas Republican Party                   )  
19 Doyle Webb, as Chairman of the Arkansas                   )  
20 Republican Party                   )  
21 California Republican Party                   )  
22 Tom Del Beccaro, as Chairman of the                   )  
23 California Republican Party                   )  
24 Colorado Republican Committee                   )  
25 Ryan Call, as Chairman of the Colorado                   )

---

1	Republican Committee	)
		)
2	Republican Party of Connecticut	)
		)
3	Jerry Labriola, Jr, as Chairman of the	)
		)
4	Republican Party of Connecticut	)
		)
5	Delaware State Republican Party	)
		)
6	John Sigler, as Chairman of the Delaware State	)
		)
7	Republican Party	)
		)
8	District of Columbia Republican Party	)
		)
9	Bob Kabel, as Chairman of the District of	)
		)
10	Columbia Republican Party	)
		)
11	Republican Party of Florida	)
		)
12	Lenny Curry, as Chairman of the Republican	)
		)
13	Party of Florida	)
		)
14	Georgia Republican Party	)
		)
15	Sue P. Everhart, as Chairwoman of the	)
		)
16	Georgia Republican Party	)
		)
17	Republican Party of Guam	)
		)
18	Mike Benito, as Chairman of the Republican	)
		)
19	Party of Guam	)
		)
20	Hawaii Republican Party	)
		)
21	David Chang, as Chairman of the Hawaii	)
		)
22	Republican Party	)
		)
23	Republican Party of Idaho	)
		)
24	Norm Semanko, as Chairman of the	)
		)
25	Republican Party of Idaho	)

---



1	Illinois Republican Party	)
2	Pat Brady, as Chairman of the Illinois	)
3	Republican Party	)
4	Indiana Republican Party	)
5	Eric Holcomb, as Chairman of the Indiana	)
6	Republican Party	)
7	Republican Party of Iowa	)
8	Matt Strawm/AJ Spiker, as Chairman of the	)
9	Republican Party of Iowa	)
10	Republican Party of Kansas	)
11	Amanda Adkins, as Chairman of the	)
12	Republican Party of Kansas	)
13	Republican Party of Kentucky	)
14	Steve Robertson, as Chairman of the	)
15	Republican Party of Kentucky	)
16	Republican Party of Louisiana	)
17	Roger Villere, as Chairman of the Republican	)
18	Party of Louisiana	)
19	Maine Republican Party	)
20	Charlie Webster, as Chairman of the Maine	)
21	Republican Party	)
22	Republican Party of Maryland	)
23	Alex X. Mooney, as Chairman of the	)
24	Republican Party of Maryland	)
25	Massachusetts Republican Party	)

---

1	Robert Maginn, as Chairman of the	)
		)
2	Massachusetts Republican Party	)
		)
3	Michigan Republican Party	)
		)
4	Robert Schostak, as Chairman of the Michigan	)
		)
5	Republican Party	)
		)
6	Republican Party of Minnesota	)
		)
7	Pat Shortridge, as Chairman of the Republican	)
		)
8	Party of Minnesota	)
		)
9	Mississippi Republican Party	)
		)
10	Joe Nosef, as Chairman of the Mississippi	)
		)
11	Republican Party	)
		)
12	Missouri Republican Party	)
		)
13	David Cole, as Chairman of the Missouri	)
		)
14	Republican Party	)
		)
15	Montana Republican Party	)
		)
16	Wes Deschamps, as Chairman of the Montana	)
		)
17	Republican Party	)
		)
18	Nebraska Republican Party	)
		)
19	Mark Fahleson , as Chairman of the Nebraska	)
		)
20	Republican Party	)
		)
21	Republican Party of New Hampshire	)
		)
22	Nevada Republican Party	)
		)
23	Michael McDonald, as Chairman of the	)
		)
24	Nevada Republican Party	)
		)
25	Republican Party of New Hampshire	)

---

1 Wayne MacDonald, as Chairman of the )  
2 Republican Party of New Hampshire )  
3 New Jersey Republican Party )  
4 Mayor Samuel Raia, as Chairman of the New )  
5 Jersey Republican Party )  
6 Republican Party of New Mexico )  
7 Monty Newman, as Chairman of the )  
8 Republican Party of New Mexico )  
9 Republican Party of New York State )  
10 Edward F. Cox, as Chairman of the Republican )  
11 Party of New York State )  
12 North Carolina Republican Party )  
13 Robin Hayes, as Chairman of the North )  
14 Carolina Republican Party )  
15 North Dakota Republican Party )  
16 Stan Stein, as Chairman of the North Dakota )  
17 Republican Party )  
18 Republican Party of the Northern Marianas )  
19 Islands )  
20 Gov. Benigno Fitial, as Chairman of the )  
21 Republican Party of the Northern Marianas )  
22 Islands )  
23 Ohio Republican Party )  
24 Robert T. Bennett, as Chairman of the Ohio )  
25 Republican Party )

---

1	Oklahoma Republican Party	)
2	Matt Pinnell, as Chairman of the Oklahoma	)
3	Republican Party	)
4	Oregon Republican Party	)
5	Allen Alley, as Chairman of the Oregon	)
6	Republican Party	)
7	Republican Party of Pennsylvania	)
8	Rob Gleason, as Chairman of the Republican	)
9	Party of Pennsylvania	)
10	Republican Party of Puerto Rico	)
11	Hon. Carlos Mendez, as Chairman of the	)
12	Republican Party of Puerto Rico	)
13	Rhode Island Republican Party	)
14	Mark Zaccaria, as Chairman of the Rhode	)
15	Island Republican Party	)
16	South Carolina Republican Party	)
17	Chad Connelly, as Chairman of the South	)
18	Carolina Republican Party	)
19	South Dakota Republican Party	)
20	Tim Rave, as Chairman of the South Dakota	)
21	Republican Party	)
22	Tennessee Republican Party	)
23	Chris Devaney, as Chairman of the Tennessee	)
24	Republican Party	)
25	Texas Republican Party	)

---

1 Steve Munsteri, as Chairman of the Texas )  
2 Republican Party )  
3 Utah Republican Party )  
4 Thomas Wright, as Chairman of the Utah )  
5 Republican Party )  
6 Vermont Republican Party )  
7 Jack Lindley, as Chairman of the Vermont )  
8 Republican Party )  
9 Republican Party of Virginia )  
10 Hon. Pat Mullins, as Chairman of the )  
11 Republican Party of Virginia )  
12 Washington State Republican Party )  
13 Kirby Wilbur as Chairman of the Washington )  
14 State Republican Party )  
15 Republican Party of West Virginia )  
16 Mike Stuart, as Chairman of the Republican )  
17 Party of West Virginia )  
18 Republican Party of Wisconsin )  
19 Brad Courtney, as Chairman of the Republican )  
20 Party of Wisconsin )  
21 Republican Party of Wyoming )  
22 Tammy Hooper, as Chairman of the )  
23 Republican Party of Wyoming )  
24 And Does 1 Through 10 inclusive. )  
25 Defendants. )

---

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2  
3

4  
5  
6  
7

8  
9  
10  
11  
12  
13

14  
15  
16

17  
18  
19  
20

21  
22  
23

24  
25  
26  
27

1 unbound to vote their conscience free from any intimidation from any person or  
2 entity.

3 Plaintiffs come to Federal Court to seek the guidance of the Court regarding  
4 the Federal Question as to whether Plaintiffs are free to vote their conscience on the  
5 first and all ballots at the Federal Election known as the Republican National  
6 Convention or whether Plaintiffs are bound to vote for a particular candidate as  
7 instructed by Defendants' State Party Bylaws, or State Laws, or the preference of  
8 political operatives seeking affidavits of loyalty to a particular candidate under  
9 penalty of perjury.

10 Plaintiffs do not seek any reimbursement for Court Fees and Plaintiffs do not  
11 seek any award of Attorney Fees. Plaintiffs seek only the guidance of the court and  
12 Injunction Relief as set forth herein.

### 13 14 THE FEDERAL LAW

15 The Federal Laws are as follows:

16 11 CFR 100.2(e): Defining a national convention as a "Federal  
17 Election" for the purpose of electing a candidate for federal office.

18 Which states:

19  
20 "(e) Caucus or Convention. A caucus or convention of a  
21 political party is an election if the caucus or convention has the  
22 authority to select a nominee for federal office on behalf of that  
23 party."

24  
25 and

26  
27 42 USC 1971 - Sec. 1971. Voting rights. Which states:  
28

1            “No person, whether acting under color of law or otherwise,  
2            shall intimidate, threaten, coerce, or attempt to intimidate,  
3            threaten, or coerce any other person for the purpose of  
4            interfering with the right of such person to vote or to vote as he  
5            may choose, or of causing such other person to vote for, or not  
6            to vote for, any candidate for the office of President.”  
7

8            Notwithstanding the clarity of the above Federal Laws the Republican  
9            National Committee and its Chairman, Reince Priebus, have been violating Rule 11  
10           of the Rules of the Republican Party which in effect states that the RNC may not aid  
11           any Candidate until the Candidate is the nominee of the Party. Notwithstanding, the  
12           RNC and its Chairman, Defendant Reince Priebus, have, for at least the past six  
13           months, combined with a particular Candidate with all of the aid the RNC can  
14           possibly, but improperly give in violation of Rule 11 to obstruct, intimidate, and  
15           harass Delegates from voting their conscience. These Defendants have intentionally  
16           violated Federal Laws and Supreme Court Decisions by seeking to bind Delegates to  
17           the Candidate of Defendants’ choice and these Defendants have refused to follow  
18           Federal Law. [Attached hereto as Exhibit B is a true and correct copy of the  
19           Republican Party Rules.]

20           RNC Rule 38, the Unit Rule, provides that Delegates may not be bound to a  
21           particular Candidate separate and distinct from the US Statutes and Supreme Court  
22           Decisions.

23           The Republican National Committee (hereafter RNC) and its Chairman have  
24           been aiding the Governor Romney Campaign for at least six months up to and  
25           including the present time notwithstanding that no candidate has won the  
26           nomination. Governor Romney does not have 1144 Delegates, the minimum  
27           number of Delegates required to win the nomination and, no candidate can be  
28



1 assured that they are the nominee until the Delegates vote because the Delegates  
2 have a statutory and Constitutional Right to vote their conscience.

3 Plaintiffs allege that in almost every state in the United States Defendants  
4 engaged in a scheme to intimidate and harass Delegates who were supporting a  
5 Candidate that Defendants did not approve of. This harassment included the use of  
6 violence, intimidating demands that Delegates sign affidavits under penalty of  
7 perjury with the threat of criminal prosecution for perjury as well as financial  
8 penalties and fines if the Delegate fails to vote as instructed by Defendants rather  
9 than vote the Delegate's conscience as mandated by the US Statutes and US Supreme  
10 Court Decisions cited.

11 Defendants have further harassed and intimidated Plaintiffs with untimely  
12 Rule changes designed to deny a quorum or to manipulate Delegates supporting a  
13 particular Candidate to be deprived of a fair election as a Delegate.

14 Defendants have used threats of violence including dressing security type  
15 people in dark clothing searching out supporters of a Candidate Defendants do not  
16 approve of to harass and intimidate said Delegates from voting their conscience.

17 Defendants have unlawfully used State Bylaws and in some cases State Laws  
18 to harass and intimidate Delegates from voting their conscience.

19 Defendants have refused to Certify Delegates who were properly elected to  
20 support a certain Candidate that Defendants did not approve of.

21 Defendants have certified unlawful slates of Delegates that were not elected  
22 in accordance with the US Statues and US Supreme Court Decisions cited, nor in  
23 accordance with the proper Bylaws of Defendants'.

24 Defendants have altered the voting ballot results to fraudulently reflect an  
25 outcome that is inconsistent with the actual voting ballot results for the purpose of  
26 certifying a fraudulently selected slate of Delegates to support the Candidate of  
27 Defendants choice rather than the Delegates properly elected.  
28

1 For the reasons stated herein Plaintiffs will suffer irreparable harm if the  
2 evidence of the wrongful conduct of the Defendants related to the above voting and  
3 Delegate selection issues are not preserved by the Court. Therefore, Plaintiffs  
4 request a Preliminary Injunction ordering Defendants to preserve all ballots cast at  
5 their State Conventions / Caucuses including all voting machines, the computer  
6 programs for all voting machines, any and all records related to the counting of the  
7 ballots, and any and all records related to any Rules, Rule changes made within 30  
8 days of the Convention / Caucuses, including the day of the Convention / Caucus.  
9  
10

11 The fact that the Republican Party is a private organization becomes legal  
12 irrelevant when the party convenes a National Convention for the purpose of  
13 selecting a candidate for Federal Office, in this case, President and Vice President of  
14 the United States. For all purposes the convention is an "election" subject to  
15 Supreme Court case decisions and Federal Statutory Law.

16 The Convention of a national political party is a "Federal Election" subject to  
17 the laws established by the United States Supreme Court and the Legislative Branch  
18 of the Federal Government when signed into law by the President of the United  
19 States.

20 U.S. Supreme Court Decisions and Federal Statutory Law preempt any  
21 contradictory Party Rule or State Law that attempts to deny a Delegate the right to  
22 vote in accordance with their own conscience free from any attempt to bind the  
23 Delegate to vote for a particular candidate.  
24

25 42 USC 1971(e) the word "vote" means all action necessary to make  
26 a vote effective.  
27  
28

1 The United State Supreme Court held in *Morse v. Republican Party of Va.*  
2 517 U.S. 186 (1985) that an interference in the right of a Delegate to vote in  
3 accordance with the Delegate's own conscience undermines the effectiveness of the  
4 vote. Several Supreme Court cases similarly hold.

5  
6 Section 108.7 Effect on State Law (2 U.S.C. 453).

7  
8 (a) The provisions of the Federal Election Campaign Act of  
9 1971, as amended, and rules and regulations issued thereunder,  
10 supersede and preempt any provision of State law with respect  
11 to election to Federal office.

12  
13 (b) Federal law supersedes State law concerning the

14  
15 (1) Organization and registration of political  
16 committees supporting Federal candidates;

17  
18 (2) Disclosure of receipts and expenditures by  
19 Federal candidates and political committees; and

20  
21 (3) Limitation on contributions and expenditures  
22 regarding Federal candidates and political  
23 committees.

24  
25 (c) The Act does not supersede State laws which provide for  
26 the

1 (1) Manner of qualifying as a candidate or  
2 political party organization;

3  
4 (2) Dates and places of elections;

5  
6 (3) Voter registration;

7  
8 (4) Prohibition of false registration, voting fraud,  
9 theft of ballots, and similar offenses;

10  
11 (5) Candidate's personal financial disclosure; or

12  
13 (6) Application of State law to the funds used for  
14 the purchase or construction of a State or local  
15 party office building to the extent described in  
16 11 CFR 300.35.

17  
18 [45 FR 15117, Mar. 7, 1980, as amended at 67 FR 49119, July 29,  
19 2002]

20  
21 Section 100.2 Election (2 U.S.C. 431(1)).

22  
23 (a) Election means the process by which individuals, whether  
24 opposed or unopposed, seek nomination for election, or  
25 election, to Federal office. The specific types of elections, as  
26 set forth at 11 CFR 100.2 (b), (c), (d), (e) and (f) are included  
27 in this definition.  
28

1 (b) General election. A general election is an election which  
2 meets either of the following conditions:  
3

4 (1) An election held in even numbered years on  
5 the Tuesday following the first Monday in  
6 November is a general election.  
7

8 (2) An election which is held to fill a vacancy in a  
9 Federal office (i.e., a special election) and which is  
10 intended to result in the final selection of a single  
11 individual to the office at stake is a general  
12 election. See 11 CFR 100.2(f).  
13

14 (c) Primary election. A primary election is an election which  
15 meets one of the following conditions:  
16

17 (1) An election which is held prior to a general  
18 election, as a direct result of which candidates are  
19 nominated, in accordance with applicable State  
20 law, for election to Federal office in a subsequent  
21 election is a primary election.  
22

23 (2) An election which is held for the expression of  
24 a preference for the nomination of persons for  
25 election to the office of President of the United  
26 States is a primary election.  
27  
28

1 (3) An election which is held to elect delegates to  
2 a national nominating convention is a primary  
3 election.  
4

5 (4) With respect to individuals seeking federal  
6 office as independent candidates, or without  
7 nomination by a major party (as defined in  
8 26 U.S.C. 9002(6)), the primary election is  
9 considered to occur on one of the following dates,  
10 at the choice of the candidate:  
11

12 (i) The day prescribed by applicable State  
13 law as the last day to qualify for a position  
14 on the general election ballot may be  
15 designated as the primary election for such  
16 candidate.  
17

18 (ii) The date of the last major party primary  
19 election, caucus, or convention in that State  
20 may be designated as the primary election  
21 for such candidate.  
22

23 (iii) In the case of non-major parties, the  
24 date of the nomination by that party may be  
25 designated as the primary election for such  
26 candidate.  
27  
28

1 (5) With respect to any major party candidate (as  
2 defined at 26 U.S.C. 9002(6)) who is unopposed  
3 for nomination within his or her own party, and  
4 who is certified to appear as that party's nominee  
5 in the general election for the office sought, the  
6 primary election is considered to have occurred on  
7 the date on which the primary election was held by  
8 the candidate's party in that State.  
9

10 Code of Federal Regulations 38:  
11

12 (d) Runoff election. Runoff election means the election which  
13 meets either of the following conditions:  
14

15 (1) The election held after a primary election, and  
16 prescribed by applicable State law as the means  
17 for deciding which candidate(s) should be certified  
18 as a nominee for the Federal office sought, is a  
19 runoff election.  
20

21 (2) The election held after a general election and  
22 prescribed by applicable State law as the means  
23 for deciding which candidate should be certified as  
24 an officeholder elect, is a runoff election.  
25

26 (e) Caucus or Convention. A caucus or convention of a  
27 political party is an election if the caucus or convention has the  
28

1 authority to select a nominee for federal office on behalf of that  
2 party.

3  
4 (f) Special election. Special election means an election which is  
5 held to fill a vacancy in a Federal office. A special election may  
6 be a primary, general, or runoff election, as defined at 11 CFR  
7 100.2 (b), (c) and (d).  
8

9 In a Memorandum prepared by legal counsel for the RNC, legal counsel  
10 agrees with the legal arguments that Delegates are free to vote their conscience on all  
11 ballots. [A true and correct copy is attached hereto as Exhibit A.]

12 This Federal Lawsuit is made necessary because the RNC and its Chairman  
13 are violating these laws and are promoting and tolerating efforts to bind Delegates to  
14 a particular candidate instead of protecting Delegates from the intimidation  
15 Delegates are being subjected to in States throughout the Nation. Indeed, the RNC  
16 and its Chairman rely upon the violation of these laws to intimidate Delegates in  
17 support of the RNC's position that Governor Romney is the nominee of the Party  
18 when Governor Romney does not have the minimum number of delegates and no  
19 vote has yet taken place and the Convention has not begun.

20 Plaintiffs are Delegates elected to nominate The Republican Nominee for  
21 President of The United States at a Convention to be held commencing the week of  
22 August 27, 2012, in Tampa, Florida.

23 Although U. S. Supreme Court Cases hold that a Convention for this purpose  
24 is subject to Federal Law, The Republican National Committee and State Republican  
25 Parties have intimidated all Delegates to become bound to one candidate thereby  
26 denying all Delegates their Constitutional and Statutory Right to vote their  
27 conscience.  
28



1 Many Delegates are required to sign Affidavits under Penalty of Perjury  
2 declaring the Delegate agrees to be bound to one candidate. Fines and criminal  
3 prosecutions are threatened against Delegates if they fail to vote as told rather than  
4 vote their conscience.

5 Delegates who refuse to sign the Affidavit are told they may not serve as  
6 Delegates, although they were duly elected.

7 Certain Delegates have already been denied their credentials because they  
8 will not sign such an affidavit.

9 Plaintiffs seek a remedy for a Court Order compelling The RNC and Each  
10 State Party Defendant To Inform In Writing by serving a copy of the Order the Court  
11 makes Notifying every Delegate that in accordance with United States Supreme  
12 Court Decisions and Federal Statutes all Delegates at all times are free to vote their  
13 conscience for any candidate they choose by their own conscience on all ballots.

14 Plaintiffs further seek an Order that any Delegate who has been denied their  
15 seat on their State Delegation for refusing to submit to surrender their free will to  
16 vote their conscience be restored to their Delegation and certified.

17 Plaintiffs further seek an Order Prohibiting the RNC and Each State Party  
18 Defendant from attempting to intimidate with threats of fines or criminal prosecution  
19 of any delegate who chooses to vote their conscience on the First or any subsequent  
20 ballot pursuant to Federal Civil Procedures Rule 65.

21 Plaintiffs allege there has been a systematic campaign of election fraud at  
22 State Conventions including programing a voting machine in Arizona to count Ron  
23 Paul votes as Governor Romney votes; ballot stuffing, meaning the same person  
24 casting several ballots in several states; altering and falsifying ballot totals for each  
25 candidate; the use of violence at several State Conventions; altering procedural rules  
26 to prevent votes being cast for Ron Paul.

27 For the reasons stated in the previous paragraph, Plaintiffs seek an order of  
28 the Court that each named Defendant maintain all ballots cast, all documents

1 reflecting the counting of votes and vote totals, all voting machines and their  
2 computer programs until further order of the Court to protect the sanctity of the  
3 evidence of election fraud that has taken place in several of the States.

4 Plaintiffs do not seek any award of attorney fees or court costs or monetary  
5 relief of any kind. Given that Plaintiffs only ask that the Rule of Law set forth in  
6 United States Supreme Court Cases and Federal Statutes be ordered to be complied  
7 with and that all of the ballots and voting machines as set forth in the previous  
8 paragraphs be preserved until further order of the Court. Hence, Defendants have no  
9 financial issues to defend and no meritorious legal issues that Defendants could  
10 submit to this Court that are contra to the legal Points and Authorities presented.

11 Plaintiffs are suffering irreparable harm because their right to vote in  
12 accordance with their conscience on the first and all ballots of the Convention is  
13 being impeded by threats of monetary fines, criminal sanctions, and / or removal  
14 from their status as a Certified Delegate to participate in the Convention unless they  
15 submit to State Party Rules, State Laws, or the demands of political operatives  
16 requiring signatures on affidavits promising to be bound to a particular candidate  
17 under penalty of perjury, all in violation of U.S. Federal Statutes and Supreme Court  
18 Rulings.

19  
20 Without the Orders requested from this Court, Plaintiffs will be denied their  
21 right to vote in accordance with their conscience on the first and all ballots of the  
22 Federal Election that is the Convention of the Republican Party set to commence  
23 during the week of August 27, 2012, in Tampa, Florida.

#### 24 25 PRAYER

26 WHEREFORE, Plaintiffs pray, and respectfully request that the Court enter  
27 judgment:  
28

1. For Declaratory Judgment that pursuant to the US Statutes cited and US Supreme Court Decisions a Court Order issue declaring that all Delegates to the Federal Election also known as the Republican National Convention in August 2012 be unbound from any Candidate and free to vote their conscience on the first and all ballots.
2. For an Order that all Defendants serve on every Delegate within their jurisdiction a hard copy of the Federal Court Order not later than a date set by the Court with proof of compliance to be filed with the Court.
3. For a Preliminary Injunction enjoining all Defendants to preserve all ballots cast at their State Conventions / Caucuses including all voting machines, the computer programs for all voting machines, any and all records related to the counting of the ballots, and any and all records related to any Rules, Rule changes made within 30 days of the Convention / Caucuses, including the day of the Convention / Caucus.
4. For a Permanent Injunction enjoining all Defendants to preserve all ballots cast at their State Conventions / Caucuses including all voting machines, the computer programs for all voting machines, any and all records related to the counting of the ballots, and any and all records related to any Rules, Rule changes made within 30 days of the Convention / Caucuses, including the day of the Convention / Caucus.
5. For any Order the Court deems just to carry out the intent of the Court including, but not limited to, ordering a hand recount of ballots, or where the sanctity of the ballots are untrustworthy, ordering a new Convention for the Delegates to re-vote with knowledge that all

1 Delegates shall be unbound and free to vote their conscience at the  
2 Federal Election known as the Republican National Convention in  
3 August 2012.  
4

- 5 6. Plaintiffs do not request any reimbursement for costs of this Federal  
6 Case nor any reimbursement for legal fees.  
7

8 DATED: June 11, 2012

9 RICHARD C. GILBERT, ESQ.  
State Bar No. 85912  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PLAINTIFFS'**

**EXHIBIT – A**

RNC Associate Counsel's Opinion on Rule 38 of the RNC Rules barring the "unit rule"

**MEMORANDUM**

**SUBJECT: RULE NO 38 - UNIT RULE**

**FROM: RNC COUNSEL**

**TO: NANCY LORD**

**DATE: AUG 20, 2008**

---

This Memorandum is based on your request to examine the Republican Party Rules history relating to the so-called "Unit Rule" provision currently found at Rule 38 which states, "No delegate or alternate delegate shall be bound by any attempt of any state or congressional district to impose the unit rule".

This language was initially adopted at the 1964 Republican National Convention, paraphrasing the words of the proponent of the amendment, in order to codify in party rules the actual practice followed in past conventions, namely to allow delegates to vote as they chose even if state law bound them to vote for a specific candidate.

This amendment which modified then Rule 18(a) was initiated by the RNC Rules Committee and adopted by the full RNC at its pre-convention meeting. That '64 language stated, "No Delegate or Alternate shall be bound by any attempt of any State or Congressional District, the District of Columbia, Puerto Rico or the Virgin Islands to impose the unit rule." Based upon a review of the transcripts of the RNC debate on the "Unit Rule", proponents of the '64 amendment argued that their amendment to Rule 18 merely reflected current practice and adopting this Rules change would simply memorialize what was the historical Convention practice, not create a new policy.

During the debate on the "Unit Rule" amendment, there was some concern raised that the new language would be interpreted by some to prohibit the individual states from adopting rules that would bind or allocate delegates to specific candidates. The proponents, however, gave assurances that it was not their intention to effect any "legal or "moral" obligation of the delegates.

Based upon the concern raised that this provision would be erroneously read to prohibit states to bind or allocate delegates a concerted effort was made to defeat the amendment. That effort to reject the addition of the new "Unit Rule" language based on that concern, failed, 59 to 41.

In 1976 the no "Unit Rule" language was modified by the RNC Rules Committee, effectively requiring the 1976 Convention to record delegate votes based on the results of "any binding Presidential Primary or direct election of delegates bound or pledged pursuant to state law." The Convention Rules Committee and the Convention itself accepted this RNC modification without any debate. The additional Rule 18(a) language applicable to the 1976 Republican Convention read as follows, "...however, that in any event, the vote of each state for the nomination for President shall be announced and recorded (or in the absence of an announcement shall be

recorded) in accordance with the results of any binding Presidential Primary or direct election of delegates bound or pledged pursuant to state law. No delegate or alternate shall be bound by any attempt of any state or Congressional district to impose the unit rule.”

The '76 language was deleted in 1980 effectively reverting back to the 1964 language and the current language regarding the “Unit Rule” now found in Rule 38 is consistent with the 1980 language.

Dear Blake and Sean,

Thank you so much for the memorandum [above] regarding the history of the Rule 38.

After studying it, I still have unanswered questions.

From the memo, I am clear that:

1. Rule 38 was not intended "to prohibit the individual states from adopting rules that would bind or allocate delegates to specific candidates".

What I need clarified is the following:

1. Do the RNC Rules require a state's delegation to follow its state laws or state party rules in the matter of binding of their national delegates to vote for a particular candidate? (I believe the answer is no; the RNC Rules are silent on this issue. My understanding is that any "legal" or "moral" obligation of the delegates, under either state law or state party rules, is simply that -- a state party matter. The RNC will not get involved in any such issue unless it deems that there is a violation of Rule 38 - an attempt to invoke the "Unit Rule" - during the time of the national convention.)

2. Do the RNC Rules prohibit a state party from changing its rules regarding the binding of their national delegates after the 2nd Tuesday in the September the year before the convention but before the national convention begins? (I believe the answer is no - the RNC Rules are again silent on this issue.)

3. Do the RNC Rules allow a national delegate to cast their vote for anyone they choose at the national convention, regardless of any vote-binding rules in their state or regardless of whether or not that "candidate" has been officially nominated under the RNC "majority of delegates from five states" rule? (I believe the answer is yes. I cite the actual rolling roll call of the states vote in 2000 as an example. In several states, even though George W. Bush had for many months been the presumptive nominee, several states, including Arkansas (19 for Bush, 5 for Alan Keyes) in the 2nd session on Monday evening, Massachusetts (35 for Bush, 1 for McCain, and 1 abstention) in the 3rd session on Tuesday evening,

4. Is the process of the "rolling roll call of the states" the process by which it is determined which candidates have met the RNC "majority of delegates from five states" rule in order to have their name officially placed in nomination? In other words, or as a corollary, do only those candidates who receive a "majority of delegates from five states" votes during the "rolling roll call of the states" become an official nominee, while any candidates receiving votes who did not receive the required majority of five states' votes simply fall to the floor, having not met the threshold?

Is there any way that you can clarify the answers to these questions in writing before tomorrow morning?



Nancy Lord  
Utah Republican Republican National Committeewoman

From: Jennifer Sheehan - Legal  
To: Nancy Lord  
Cc: Sean Cairncross - Legal ; Blake G. Hall  
Sent: Friday, August 22, 2008  
Subject: RE: The Unit Rule

Mrs. Lord:

I am going to attempt to clearly answer your questions as listed below.

1. You are correct - the answer is no. The national convention allows delegates to vote for the individual of their choice, regardless of whether the person's name is officially placed into nomination or not.
2. National Party Rule No. 15(e) does prohibit State Parties from changing their delegate selection and allocation process that the State Party had to submit to the RNC no later than Sept. 4, 2007. However, the time frame for submitting a challenge to the national convention delegation based upon these Rules has expired, as any delegate contests had to be filed by August 2, 2008.
3. Yes - see #1 above.
4. Your question is mixing two separate issues. The first issue involves the nominating process, which requires the majority of delegates from five states to put a candidate's name into the official nominating process. The delegates from these five states must sign a nominating form

that is then submitted to the Secretary of the Republican National Convention. After the Secretary receives these forms, the candidates are announced who have been officially placed into the nominating process and are therefore eligible to accumulate votes from the national convention delegates.

The Rules require that a roll call be taken from each state who announces the number of votes that its delegates cast for any eligible candidates, as well as for any person someone would like to cast a vote for in the roll call. You are correct that a person does not have to be officially nominated in order to receive votes, however, this vote is essentially pointless as it will not count towards the official tally.

Therefore to clarify, a candidate must receive the support of the majority of five state delegations in order to be officially placed into the nomination. Only candidates that have been officially nominated can accumulate votes that will count towards the majority of delegates necessary to officially nominate the Republican nominee for President. The Republican nominee for President must receive at least 1191 votes from the national convention delegation in order to receive the official nomination.

Please let me know if you have additional questions or need further clarifications related to this process.

Sincerely,

Jennifer Sheehan  
Associate Counsel  
Republican National Committee

**PLAINTIFFS'**

**EXHIBIT – B**

# THE RULES OF THE REPUBLICAN PARTY

As adopted  
by the 2008 Republican  
National Convention  
August 1, 2008

Approved by the  
Republican Party of  
the United States

THE RULES OF THE REPUBLICAN PARTY

## TABLE OF CONTENTS

RULE NO. 1	
<i>Organization of the Republican National</i>	
<i>Committee.....</i>	<i>1</i>
RULE NO. 2	
<i>Method of Election for National Committeeman</i>	
<i>and National Committeewoman.....</i>	<i>1</i>
RULE NO. 3	
<i>Term of Office for National Committee Members..</i>	<i>2</i>
RULE NO. 4	
<i>Vacancies of Members and Officers.....</i>	<i>2</i>
RULE NO. 5	
<i>Officers of the Republican National Committee....</i>	<i>3</i>
RULE NO. 6	
<i>Executive Committee of the Republican National</i>	
<i>Committee.....</i>	<i>5</i>
RULE NO. 7	
<i>Rules of Order .....</i>	<i>6</i>
RULE NO. 8	
<i>Meetings of the Republican National Committee..</i>	<i>7</i>
RULE NO. 9	
<i>Filling Vacancies in Nominations .....</i>	<i>8</i>
RULE NO. 10	
<i>Committees of the Republican National Committee</i>	
<i>.....</i>	<i>9</i>
RULE NO. 11	
<i>Candidate Support.....</i>	<i>13</i>
RULE NO. 12	
<i>Call of Next Convention .....</i>	<i>14</i>
RULE NO. 13	
<i>Membership in Convention.....</i>	<i>14</i>
RULE NO. 14	
<i>Participation in the Delegate Selection Process..</i>	<i>17</i>
RULE NO. 15	
<i>Election, Selection, Allocation, or Binding of</i>	
<i>Delegates and Alternate Delegates .....</i>	<i>18</i>

RULE NO. 16	
<i>Enforcement of Rules</i> .....	24
RULE NO. 17	
<i>Vacancies in a State Delegation</i> .....	27
RULE NO. 18	
<i>Excess Delegates and Alternate Delegates</i> .....	27
RULE NO. 19	
<i>Certification of Election or Selection of Delegates</i> .....	28
RULE NO. 20	
<i>Contests: Resolution by States</i> .....	29
RULE NO. 21	
<i>Temporary Roll of the Republican National     Convention</i> .....	29
RULE NO. 22	
<i>Contest Filing</i> .....	29
RULE NO. 23	
<i>Contest Procedure</i> .....	30
RULE NO. 24	
<i>Convention Committee on Credentials</i> .....	32
RULE NO. 25	
<i>Order of Business</i> .....	33
RULE NO. 26	
<i>Committee Reports</i> .....	33
RULE NO. 27	
<i>Definition of "States"</i> .....	33
RULE NO. 28	
<i>Admission to Convention Hall</i> .....	34
RULE NO. 29	
<i>Voting</i> .....	34
RULE NO. 30	
<i>Rules of Order</i> .....	35
RULE NO. 31	
<i>Length of Debate</i> .....	35
RULE NO. 32	
<i>Suspension of Rules</i> .....	35
RULE NO. 33	
<i>Platform Resolutions</i> .....	35
RULE NO. 34	
<i>Minority Reports: Amendments</i> .....	35

GILBERT & MARLOWE  
930 W 17TH ST RD & E  
SANTA ANA, CA 92706  
714-667-1038

TERMINAL I.D.: 73991645  
MERCHANT #: 555548063000

VISA  
\*\*\*\*\*7317\*  
SALE  
BATCH: 000630 INU:000002  
RRN: 216016210044 AUTH:308031  
CVV RESPONSE:

JUN 08, 12 09:45

TOTAL \$100.00

CUSTOMER COPY

GILBERT & MARLOWE  
930 W 17TH ST RD & E  
SANTA ANA, CA 92706  
714-667-1038

TERMINAL I.D.: 73991645  
MERCHANT #: 555548063000

VISA  
\*\*\*\*\*7317\*  
SALE  
BATCH: 000630 INU:000002  
RRN: 216016210044 AUTH:308031  
CVV RESPONSE:

JUN 08, 12 09:45

TOTAL \$100.00

Telephonic Approval  
I AGREE TO PAY ABOVE TOTAL AMOUNT  
ACCORDING TO CARD ISSUER AGREEMENT  
(MERCHANT AGREEMENT IF CREDIT VOUCHER)

Umberto Raimo Santani.  
MERCHANT COPY

6/8/12  
Recorded

RULE NO. 35	
<i>Motion to Table</i> .....	36
RULE NO. 36	
<i>Previous Question</i> .....	36
RULE NO. 37	
<i>Roll Call</i> .....	36
RULE NO. 38	
<i>Unit Rule</i> .....	37
RULE NO. 39	
<i>Record Vote</i> .....	38
RULE NO. 40	
<i>Nominations</i> .....	38
RULE NO. 41	
<i>Convention Committees</i> .....	39
RULE NO. 42	
<i>Temporary Rules</i> .....	40



## PREAMBLE

BE IT RESOLVED, That the Republican Party is the party of the open door. Ours is the party of liberty, the party of equality, of opportunity for all, and favoritism for none.

It is the intent and purpose of these rules to encourage and allow the broadest possible participation of all voters in Republican Party activities at all levels and to assure that the Republican Party is open and accessible to all Americans.

BE IT FURTHER RESOLVED, That the following be and hereby are adopted as *The Rules of the Republican Party*, composed of the rules for the election and government of the Republican National Committee until the next national convention, the rules under which delegates and alternate delegates shall be allotted to the respective states in the next national convention, and the rules under which such delegates and alternate delegates shall be elected and under which contests shall be considered, and the rules of business of this national convention.

**THE REPUBLICAN  
NATIONAL COMMITTEE**

**RULE NO. 1**

**Organization of the Republican National Committee**

(a) The Republican National Committee shall have the general management of the Republican Party, based upon the rules adopted by the Republican National Convention. The members of the Republican National Committee shall consist of one (1) national committeeman and one (1) national committeewoman from, and the chairman of the state Republican Party of, each state.

(b) For the purposes of this rule and all other rules, "state" or "states" shall be taken to include American Samoa, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands, except in Rule No. 13 and unless the context in which the word "state" or "states" is used clearly makes such inclusion inappropriate.

**RULE NO. 2**

**Method of Election for National Committeeman and  
National Committeewoman**

(a) Where the rules adopted by a state Republican Party provide a method of election of the national committeeman and the national committeewoman, they shall be elected pursuant to such method.

(b) Where the rules adopted by a state Republican Party do not provide a method of election of the national committeeman and the national committeewoman, and where state laws do provide such a method of election, they shall be elected pursuant to such method provided by state laws.

(c) Where neither the rules adopted by a state Republican Party nor state laws provide a method of election of the national committeeman and the national committeewoman, the national convention delegation from such state shall elect them.

(d) At each national convention, the roll shall be called and the delegates from each state shall report, through the chairman of the delegation, the names of the elected national committee members whose election