

April 15, 2022

Response to MNGOP Summary

The following is a response to the information shared with Otter Tail County from the MNGOP related to the serious concerns of a growing number of people about the manipulation of the delegate and alternate lists from the February 1, 2022 precinct caucuses.

The information from the MNGOP is left in black. The response to the MNGOP is in red.

Several Republicans have raised concerns about the election of delegates at the 2022 Republican Party precinct caucuses in Otter Tail County. These individuals allege that some delegates may have been elected without being present at the caucus. They thus contend that the process itself is “fraudulent” and “in violation of Minnesota statute.”

Fact Check:

- ❖ **At least 5 precinct chairs have raised concerns that the delegate lists they certified were altered after the precinct caucus. Those precinct chairs have a duty to all the people involved in the caucus process to verify and correct this issue.**
- ❖ **There are 63 precincts in Otter Tail County whose lists have NOT been verified with the precinct chairs. The precinct chairs must confirm that only people who were voted upon at caucus are listed as delegates and alternates. They also must confirm that no properly elected delegates or alternates were removed from the list certified at the caucus.**

Minnesota law does not govern the election of delegates to Republican conventions. For a number of reasons—including the First Amendment rights of political parties—questions about who should be seated as a convention delegate are decided by the party’s own governing rules and procedures. Here, that means that any questions about whether certain delegates were duly elected at caucus should be decided by the convention itself through the credentialing process defined in Roberts Rules of Order.

Fact Check:

- ❖ Minnesota law DOES govern the election of delegates at the PRECINCT level.
- ❖ These PRECINCT delegates form the FOUNDATION of the MNGOP political structure. MN Stat. §§202A.14 – 202A.18 bind the MNGOP to accept the certified results of elections for delegates and alternates at a properly convened precinct caucus. MN Stat. §202A.18, Subd. 2 provides direction, in plain language, to the convener of the caucus. This procedure includes time requirements for NOMINATIONS and ELECTION of delegates and alternates.
- ❖ MN Stat §202A.18, Subd 4 describes, in plain language, the requirements for the chair of the precinct caucus to ANNOUNCE the names of the persons elected AFTER the COUNTING of the votes.
- ❖ MN Stat § 202A.18, Subd. 4 REQUIRES the precinct chair to CERTIFY the names of the persons elected to the chair of the BPOU and to the chair of the state central committee.
- ❖ The MNGOP requires the chair and secretary of the precinct caucus to fill out the Precinct Caucus Record and Certification of Election (PCRC) form. This form is used, by the MNGOP to identify the elected officers, delegate and alternate status. The bottom of the form includes the following:

“We, the Convener and Secretary of the Precinct Caucus of the above Precinct, pursuant to legal call and notice, do hereby certify the election of the Precinct Officers, Delegates and Alternates.” Signatures are required.
- ❖ These delegates and alternates are elected BY THE PEOPLE of each precinct who participate in their precinct caucus for the purpose of organizing the political party at the most local level.
- ❖ The precinct caucus guarantees the right of the people to control the political process from the ground up, and when circumstances demand it, to remove those people from political power who have abandoned their duty to the people of the party.
- ❖ The **duly elected precinct delegates** have the right and duty to represent the people of their precinct in the BPOU throughout the period for which they

were elected.

- ❖ The BPOU shall elect, according to its constitution and/or bylaws, **typically from its duly elected delegates of the most recent precinct caucus**, delegates and alternates to the congressional district and state conventions.
- ❖ The Republican Party of Minnesota Constitution, Article VIII, sections 1 and 3, clearly vest the BPOU with the right to elect delegates and alternates.
- ❖ Neither the MNGOP nor the Congressional Districts may usurp the right of a BPOU to elect delegates to represent the BPOU at congressional district or state conventions.
- ❖ The Republican Party of Minnesota Constitution, the constitutions of the congressional districts and BPOUs and Minnesota Statutes govern the matters at hand.

The following are the relevant provisions of the Republican Party of Minnesota Constitution and Minnesota Statutes:

1. The Republican Party of Minnesota Constitution

A. The Preamble states:

1. *“The Republican Party of Minnesota welcomes into its party all Minnesotans who are concerned with the implementation of honest, efficient, responsive government. The party believes in these principles as stated in the Declaration of Independence: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these rights are life, liberty, and the pursuit of happiness. Therefore, it is the party committed to equal representation and opportunity for all and preservation of the rights of each individual. It is the purpose of this constitution to ensure that the party provides equal opportunity for full participation in our civic life for all Minnesota residents who believe in these principles regardless of age, race, sex, religion, social or economic status.”*

B. Article I, Name and Object, Section 2

1. *“The object of the party shall be the maintenance of government by and for the people according to the Constitution and the laws of the United States and the State of Minnesota, and the implementation of such principles as may from time to time be adopted by party conventions. To obtain this object it is essential the party shall organize at all levels to elect Republicans to public office.”*
2. The MNGOP constitution recognizes, in **Article I**, its duty to maintain the government according to the Constitutions and laws of the United States and Minnesota AND the necessity to organize at all levels to elect Republicans to public office.
 - a) *PRECINCT DELEGATES create the fundamental base of the Party and form the clear majority of delegates to the Congressional Districts, State Central Committee and the State Convention and State Party endorsements.*
 - (1) It is the right of the people to engage in precinct caucus
 - (2) Duly elected precinct delegates have a duty to engage in the endorsement of candidates to represent the MNGOP.
 - (3) When the people fail to participate in this grass roots activism, which is required to preserve our liberties, tyranny can take root.
 - (4) When tyranny is tolerated by neglect, the leadership of the political parties can become corrupt and seek to retain their power. These tyrants exist within the political parties.
 - (5) In times when the people decide their government is failing, they become more engaged in local politics.

C. Article II, Membership and Dues

1. Section 1: Membership

- a) All citizens of Minnesota who support the objective of the MNGOP are members

2. Section 3: Rights

- a) NOTHING in the MNGOP constitution shall be construed to deny or abridge the rights of any voter to participate in any party caucus, primary or convention, at which he/she is entitled by law to participate.

D. Article III Congressional and Legislative Reapportionment Committee

1. Section 4 states,

- a) *“Following the approval of the reapportionment manual by the Executive Committee and the State Central Committee, in all cases concerning reapportionment in which it is not in conflict with the constitution and bylaws of the Republican Party of Minnesota, the manual shall govern Congressional and Legislative reapportionment matters for the current reapportionment process.”*

E. Article IV, Delegation of Power

1. Section 1: Basic Unit.

- a) The party shall be organized into County, House District, or Senate District BPOUs, except that in any county containing four or more entire House Districts the county must organize as House or Senate Districts.

2. Section 2: Organization.

- a) *“It shall be the responsibility of the BPOU committees to assist all endorsed Republicans seeking public office at least partly within their respective units, to expand the membership of the party within their respective units, and to organize or cause to be organized each ward, precinct, or other voting district in their unit. The form of enrollment shall be prescribed by the State Executive Committee and shall be uniform throughout the state. No qualifications for membership shall be imposed except as provided by this constitution. Opportunity for enrollment shall be open at all times to all voters who are eligible for membership under Article II.”*

3. Section 3: Management.

- a) **“The management of the affairs of the party within each basic political organizational unit shall be vested in the BPOU committee, subject to the direction of state and Congressional District authorities as to matters within the scope of their respective functions.”**

(1) It is CRITICAL to understand that, using the governing documents, the MNGOP and Congressional districts have a very limited range of authority over the BPOU.

(a) The BPOU must schedule its conventions within the range of dates provided by the MNGOP.

(b) The MNGOP and Congressional District determine the total number of delegates and alternates the BPOU may elect to represent the BPOU at the conventions.

(c) The BPOU may not establish rules for membership that contradict the MNGOP.

F. Article V Conventions and Endorsements- General Provisions

1. Section 4: Seating of Alternates

- a) Establishes the requirement to seat the Alternates as the first order of business after establishing the temporary organization.
- b) Requires the permanent voting roll of the convention to include the
 - (1) DELEGATES who are PRESENT and
 - (2) each Alternate seated to due to the absence of a Delegate, ACCORDING TO the procedure established by THE CONSTITUTION or BYLAWS of the BPOU.

2. Section 5: Election and Terms of Delegates

- a) Clearly states that all state, congressional district, BPOU and delegates and alternates shall be elected in general election years and will hold office until their successors are elected.
 - (1) The successor delegates and alternates were elected at precinct caucuses on February 1, 2022.

G. Article VIII, Basic Political Organizational Unit Conventions

1. Section 1: Composition

- a) *“BPOU conventions shall be composed of the following residents of the BPOU: Delegates elected at the precinct caucuses that are held in each precinct every general election year as required by Minnesota statutes. The number of Delegates and Alternates at each convention and the basis of their apportionment shall be determined by the BPOU committee, provided that such basis shall be uniform throughout the BPOU and shall be based on the vote cast for the Republican candidate for Governor in the past preceding statewide general election; or if such election were a presidential election, the vote cast for the Republican candidate for President. Special caucuses for one or more precincts may be called by the BPOU committee in the manner prescribed by statute for biennial precinct caucuses for the sole purpose of filling vacancies in precincts where such exist at the time of notice.”*

2. Section 2: Time and Place of Convention

- a) **“BPOU conventions shall be held annually within a range of dates established by the State Central Committee and at the call of the State Executive Committee, the State Central Committee, the Congressional District committee or the BPOU committee.** The conventions shall precede Congressional District and state conventions. Special BPOU conventions may be held at the call of the State Executive Committee, the State Central Committee, the Congressional District committee, or the BPOU committee at such time and for such purpose as the committee calling the same may determine. **BPOU conventions shall be held at a place determined by the respective committee issuing the call.”**

3. Section 3: Delegates and Alternates to State and Congressional District Conventions

- a) **“Delegates and Alternates to the Congressional Districts and to state conventions shall be elected at the BPOU conventions in even numbered years; or if provided in the BPOU constitution may be elected annually.** A BPOU may elect up to twice as many Alternates as the number of Delegates allotted, provided that the BPOU convention or constitution specifies a method for the orderly seating of said Alternates to fill vacancies in the delegation. **The qualifications to be elected a Delegate or Alternate are residence in the electing unit and being a legal and qualified voter in the next general election.** All disputes concerning the seating of Alternates shall be settled according to that BPOUs constitution or bylaws. If seating of Alternates is not addressed in the BPOUs constitution or bylaws, then a caucus of the Delegates from that BPOU will meet to settle the issue.”

- (1) If a BPOU convention is properly called and quorum is formed at that convention under the BPOU constitution, that convention is valid. Any delegates and alternates elected at the convention must be recognized as the delegates of the BPOU.

H. Article VII, Congressional District Conventions

1. Section 1: Composition

a) Paragraph A states: *Congressional District conventions shall be composed of the following residents of the district: “Delegates apportioned to and elected at the BPOU convention, in the same manner as Delegates to state conventions. Any BPOU that crosses Congressional District lines shall allot its apportioned Delegates to the Congressional Districts using the Republican vote cast for either Governor or President in the most recent general election. The manner of election shall be determined by the BPOU constitution, bylaws or by a motion of its convention.*

(1) The Congressional District has NO power to strip the status of a delegate or interfere with the seating of a delegate who was elected at a properly called BPOU convention at which quorum was formed.

I. Article VI, State Convention

1. Section 1: Composition

a) *“State conventions shall be composed of the following: Delegates from various BPOUs of the state who are elected at their conventions. The number of Delegates from the various BPOUs shall be apportioned among the BPOUs upon such basis as the State Executive Committee or the State Central Committee may determine, provided that the basis of apportionment shall be uniform throughout the state, and shall be based upon the vote for the Republican candidate for Governor in the last preceding statewide general election; or, if such election were a presidential election, the vote cast for the Republican candidate for President. If the number of Delegates apportioned to a BPOU is less than two, the total number of Delegates shall be increased to a minimum of two Delegates for each BPOU.”*

- (1) The State Convention has NO power to strip the status of a delegate or interfere with the seating of a delegate who was elected at a properly called BPOU convention at which quorum was formed.

J. Article X, Congressional District Party Administration

1. Section 1: Congressional District Committee

a) Duties and responsibilities

- (1) Each Congressional District Committee is vested with the power to manage its own affairs as they relate to the party. The Congressional District Committee has NO jurisdiction over the local affairs of the BPOUS within its territory.

K. Article XVI, General Provisions

1. Section 1: Other Constitutions and Bylaws

- a) “Any body within the party organization may adopt and amend a constitution and/or bylaws for its own government not inconsistent with this constitution.”

L. Article XVII, Parliamentary Authority

1. The rules contained in the current edition of Roberts Rules of Order Newly Revised shall govern the party in all cases to which they are applicable and in which they are not inconsistent with the constitution and bylaws of the Republican Party of Minnesota, the statutes of the State of Minnesota, or any special rules of order the party may adopt.

- a) Roberts Rules of Order only govern the BPOU, Congressional District and State Party when their particular governing documents are silent on an issue in dispute.
- b) Roberts Rules default to the organizations governing documents.

2. Relevant Minnesota Statutes

A. MN Stat 202A.14, Precinct Caucus

1. Binds the two largest political parties to hold precinct caucuses to complete the listed required activities.

a) Subd. 1 Time and manner of holding; postponement

(1) Requires the two major parties to conduct statewide caucuses at a set time.

b) Subd. 2 Caucus call

(1) Mandates each of the 2 largest political parties issue the call for the precinct caucus. Requires the call contain the following business items:

(a) name of party;

(b) precinct number;

(c) date caucus is to be held;

(d) place caucus is to be held;

(e) hours during which caucus shall be held;

(f) statutory rules governing the caucus;

(g) a statement of business to be conducted including the election of a chair and such other officers as may be provided by party rules, and the election of delegates to county or district conventions;

(h) number of delegates to be elected;

(i) name of the county or legislative district chair issuing the call;

(j) name of the present precinct chair or other person who will be the convener of the caucus;

(k) a space for entering the names of the officers and delegates elected by the caucus.”

c) Subd. 3 Notice

- (1) Requires the county or legislative district chairs of the two largest political parties to publish notice of the holding of the caucus within 6 days of the caucus

B. MN Stat 202A.15 Time and Place of caucus

- 1. Governs the minimum length of the caucus and set parameters for the location.

C. MN Stat 202A.16 Caucus, Who may participate and vote

1. Subd. 1. Eligible voters

- a) Requires attendees of the caucus who vote at the caucus and/or who are elected a delegate or alternate to be eligible to vote in the next state general election and to be a resident of that precinct.

2. Subd. 2. Agreement with party principles

- a) Requires those who vote at the precinct caucus to be in agreement with party principles as stated in party constitution and to have voted with party in past election or plan to vote with party in the next election

3. Subd. 3. Decision by caucus vote

- a) Disputes at the precinct caucus about an attendee's right to participate shall be decided by a vote of the whole caucus.
 - (1) The challenged person may not vote on the question of their right to participate.

D. MN Stat 202A.18 Caucus, Procedure

1. Subd. 1. Temporary Chair

- a) Requires the convener to be the temporary chair

2. Subd. 2. Nominations, time of election of officers and delegates

- a) Sets the time constraints for the NOMINATIONS FOR and ELECTION OF delegates and alternates

3. Subd. 3. Secret ballot

- a) Voting MUST be by secret ballot.

4. Subd. 4. Announcement and certification of election results

- a) After the votes are COUNTED the chair SHALL
 - (1) ANOUNCE the name of each person who is elected an officer and//or delegate and/or alternate
 - (2) CERTIFY the names to the BPOU chair and chair of the state central committee

5. Subd. 5. Rules of Order

- a) Any matter raised about the caucus procedure that is NOT ADDRESSED in statute or the party's rules SHALL be determined by Robert's Rules of Order.

Minnesota statute governs the time and place of precinct caucuses, the timing of certain activities at caucus, as well as “who may participate and vote” at the caucus itself. *See* Minn. Stat. §§ 202A.01-20. The statute does not create requirements as to *who* may be elected as a delegate to party conventions, and leaves the process for determining delegates up to the party's rules and procedures. For example, while the statute requires the chair to “certify” a list of names of persons “elected at caucus,” there is nothing in the statute that says that a party unit cannot use other procedures for to confirm the accuracy of results or to amend the list later. Those types of questions are governed by party rules or Roberts Rules of Order. *See* Minn. Stat. § 202A.18, subd. 5.

Fact Check:

- ❖ Certification matters because a certified document creates a final legal document. The certification of delegates is the first step in the election process. Just like the certification of primary and general elections culminates in a certification, so does precinct caucus night. The certification creates a finality.
- ❖ MN Stat. §202A.16 clearly states the requirements as to who may be

elected a precinct delegate. Subd. 1 states, “Only those individuals who are or will be eligible to vote at the time of the next state general election, may vote or be elected a delegate or officer at the precinct caucus. An eligible voter may vote or be elected a delegate or officer only in the precinct where the voter resides at the time of the caucus.

- ❖ The Republican Party of Minnesota Constitution, Articles VIII, Sect. 3; Article VII, Sect. 1; and Article VI, Sect. 1 each vest the right to elect delegates to the conventions in the BPOU.
- ❖ MN Stat. §§202A.14 - 202A.18 clearly outlines the process required to elect delegates. Nominations must be made within a required timeframe, there is a secret vote by ballot, the votes are counted and the chair announces the names and SHALL certify the names to the chair of the BPOU and state party chair.
- ❖ There is NOTHING in the MNGOP governing documents or MN statutes that permit either the party or a congressional district to usurp the right of the BPOU to elect its delegates.
- ❖ Robert Rules of Order cannot be used to supersede the governing documents of a body, including federal or state law, constitutions or bylaws.

Consistent with the statute’s reference to party rules, courts have recognized that the statutory provisions relating to party caucuses and conventions are intended to be enforced by political parties. *See Minnesota Democratic-Farmer-Lab. Party by Martin v. Simon*, 970 N.W.2d 689,694 (Minn. Ct. App. 2022) (finding criminal prohibitions on unlawful voting do not apply to voting at precinct caucuses); *see also Democratic-Farmer-Labor State Central Committee v. Holm*, 33 N.W.2d 831 (Minn. 1948) (rejecting challenge to convention’s determination of delegates, and holding that party’s convention and central committee had sole right to judge qualifications and credentials of its own members).

Fact Check:

- ❖ In order for case law to apply to any matter, it must be on point with the facts of the case at hand. When relevant facts or stipulations in the order distinguish the matter at hand from the case cited, the latter is not applicable to the former.
- ❖ *The MN DFL Party v. Simon*, 970 N.W.2d 689,694 (Minn. Ct. App. 2022)

related to whether “dreamers” could participate in the precinct caucus. MN Stat. §202A.16 specifically mandates the whole caucus resolve any disputes at the time they arise in the caucus. Local control begins at the caucus itself with the power vested in the people who showed up to participate in the caucus.

- ❖ The concerns being raised in Otter Tail County, and countless other BPOUs across the state, do not relate to the potential for criminal consequences for voting at the precinct level. The issues being raised relate to the well-documented allegations of forgeries of many PCRCs that have occurred, after the certification of the delegates, by people who sought to alter the delegate lists in a concerted and coordinated efforts to illegally influence the results of the endorsements of candidates at the impending conventions for MN House, Senate, congressional and statewide races. (See MN Stat. §609.63 Forgery, below.)
- ❖ Every endorsement that has occurred or will occur as the result of a forged list of delegates, specifically manipulated to eliminate competition for the preferred candidate of the wrongdoer, are invalid.
- ❖ The use of the *DFL v. Simon* case to mitigate any possibility of criminal charges related to either the intentional forging of names on certified documents or the omitting names of duly elected delegates is an overreach. These actions occurred outside of the caucus and were done in secrecy, after the caucus was adjourned, providing no opportunity for the duly elected delegates or the precinct chair and secretary to protect the certified results or challenge the fraudulent alterations.
- ❖ The MNGOP draws a false correlation between *Democratic-Farmer-Labor State Central Committee v. Holm*, 33 N.W.2d 831 (Minn. 1948) and the serious violations of Minnesota Statutes noted herein, in a poorly veiled effort to confuse and distract legitimate delegates and party activists. In the case cited by the MNGOP, there were no statutory violations: the matter was simply an intra-party dispute between members of the convention. This case law is ONLY applicable in matters in which there is no applicable statutory regulations and in cases where there is no fraud and/or oppression by party officers. Since February 1, 2022, the MNGOP has been aware of many instances across the state in which local party officers fraudulently manipulated delegate lists both through removal of duly elected delegates and the insertion of not-elected delegates. It is becoming increasingly obvious to people across the state that the MNGOP is not only participating

in a cover up of serious violations of MN statutes, but is actively working with factions of the party who refuse to cede power to those who were actually duly elected to assert that power.

1. Relevant Minnesota Statutes

A. MN Stat 609.63 FORGERY.

1. *Subdivision 1.* Crime defined; intent to defraud. Whoever, with intent to injure or defraud, does any of the following is guilty of forgery and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both:
 - a) (1) uses a false writing, knowing it to be false, for the purpose of identification or recommendation; or
 - b) (5) destroys, mutilates, or by alteration, false entry or omission, falsifies any record, account, or other document relating to a private business; or
 - c) (6) without authority of law, destroys, mutilates, or by alteration, false entry, or omission, falsifies any record, account, or other document relating to a person, corporation, or business, or filed in the office of, or deposited with, any public office or officer;
 - d) (7) destroys a writing or object to prevent it from being produced at a trial, hearing, or other proceeding authorized by law.
2. *Subdivision 2.* Crime defined; forged document at trial. Whoever, with knowledge that it is forged, offers in evidence in any trial, hearing or other proceedings authorized by law, as genuine, any forged writing or object may be sentenced as follows:
 - a) (1) if the writing or object is offered in evidence in the trial of a felony charge, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both; or
 - b) (2) in all other cases, to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both.

This is partly because members of political parties have a First Amendment right to decide how they will select the party's candidate for office. *See De La Fuente v. Simon*, 940 N.W.2d 477, 496 (Minn. 2020); *see also Cousins v. Wigoda*, 419 U.S. 477, 491 (1975) (Rehnquist, J., concurring in result) (“[A]t the very heart of the freedom of assembly and association” is “[t]he right of members of a political party to gather in a . . . political convention in order to formulate proposed programs and nominate candidates for political office.”); *Kurzon v. Democratic National Committee*, 197 F. Supp. 3d 638 (S.D.N.Y. 2016) (rejecting a challenge to the Democratic Party's use of a process that allowed 15% of party delegates to be granted to “superdelegates”). The question of who may serve as a delegate is therefore decided by the party's documents and procedures, not state law.

Fact Check:

- ❖ While members of political parties do have a first amendment right to gather and decide how they will select the party's candidate for office, *De La Fuente v. Simon*, 940 N.W.2d 477, 496 (Minn. 2020) is an example of a ridiculous case that, based upon the totality of the circumstances, raised completely inconsequential issues. Fuente failed to demonstrate the party had impeded him more than he had impeded himself. On the other hand, in Minnesota, the MNGOP is actively interfering in efforts of legitimate grassroots candidates to engage in the political process by denying them access to accurate delegate lists and encouraging party activists to pretend coffee klatches, bar-b-ques or any other non-sanctioned or unofficial gathering of friends are legitimate BPOU meetings.
- ❖ The MNGOP's last bite of the apple attempts to correlate *Kurzon v. Democratic National Committee*, 197 F. Supp. 3d 638 (S.D.N.Y. 2016) with the Otter Tail County issues related to the manipulation of delegate lists with no rational basis for doing so. These cases cannot be correlated: The *Kurzon* case challenged a well-known process, allowed under party rules and used by Democrats to endorse a candidate for President. In Minnesota, delegates and candidates are desperately attempting to engage in the long-standing processes established in statute and party governance and the MNGOP is interfering in their efforts. The MNGOP is knowingly misstating statutes, case law and rules of the party and ignoring the right of each BPOU to manage its own affairs.

The Republican Party of Minnesota's constitution creates eligibility requirements for delegates to party conventions. Specifically, as to legislative district conventions, the constitution states, “Eligible voters at legislative district endorsing conventions shall be the Delegates or their Alternates who reside within the legislative districts and

who were duly elected at the most recent Republican Party of Minnesota precinct caucus.” Constitution of Republican Party of Minnesota (“RPM Const.”), Art. V., Section 3(F)(6).

Fact Check:

- ❖ One should not disingenuously reference the Republican Party of Minnesota Constitution, or any constitution. The party is well-aware of the statutes and related provisions of its constitution that govern who is a legitimate delegate at every stage in the process, including the Legislative Endorsing Conventions. Any person who takes the time to read the plain language of the documents can see the party constitution does NOT create eligibility requirements in Article V, Section 3(F)(6). This section of the constitution recognizes the FACT that “Eligible voters at legislative district endorsing conventions shall be the Delegates or their Alternates who reside within the legislative district and who were duly elected at the most recent Republican Party of Minnesota precinct caucus.” Note to CD7 and all state party officials and employees who will undoubtedly read this: the most recent Minnesota precinct caucuses occurred in February 2022 and the duly elected delegates and alternates who were certified, on February 1, 2022 are now the ONLY delegates and alternates who may be seated at any organizing, endorsement, congressional district or state convention.

The decision about whether delegates meet these criteria—i.e., reside in the district and were “duly elected” at precinct caucuses—is made by each convention through a credentialing process governed by Roberts Rules of Order. *See* RPM Const., Article XVII (“The rules contained in the current edition of Roberts Rules of Order Newly Revised shall govern the party in all cases where they are applicable ”).

Fact Check:

- ❖ The decision about whether delegates meet the criteria to represent their BPOUs is NOT made by each convention through the credentialing process. The BPOUs have the right to elect the congressional district and state convention delegates and alternates in the manner allowed in their BPOU constitution. Once elected and certified by the BPOU, those delegates and alternates are credentialed and have the RIGHT to represent the BPOU at the organizing, endorsement, congressional district and state conventions as permitted by that BPOU. The subsequent credentialing process that occurs at these conventions is based upon the list of certified delegates and alternates provided by the BPOU to the credentialing committee of the applicable convention being

called. The credentialing process allows a convention to determine how many alternates, in each of the BPOUs, may be seated to fill the spots of absent delegates. This process of registering delegates and seating alternates allows the body to accurately determine whether quorum was formed to allow the convention to be called to order and business to occur. Any dispute about credentialing are resolved by the BPOU.

Under this process, the credentialing committee will first consider disputes regarding which delegates should be seated, and either omit or include challenged delegates from its report with an explanation of the challenge. *See Roberts Rules of Order*, p. 614. Then, when the credentials committee brings forward its report, the convention may choose to add or remove contested delegates from the roll of delegates presented with the committee's report. *Id.* p. 616.

Fact Check:

- ❖ The credentials committee of any convention has NO authority to deny a BPOU's right to send its delegates and alternates to a convention. The BPOU and its delegation has the sole authority to resolve any disputes related to the seating of delegates and alternates.
- ❖ Neither the MNGOP nor the congressional districts have a right to intervene in a dispute related to internal BPOU disagreements about BPOU matters. Any such disputes that cannot be resolved by the executive committee must be addressed by the BPOU delegates. If delegates form a quorum at a properly called meeting, they have the full power to act to remedy any internal disputes.

Conclusion

After the tragic circumstances at the MNGOP over the past few years, delegates, alternates and other supporters had high hopes that new leadership would restore trust in the party's infrastructure. Sadly, over the past 5 months, there has continued to be an obvious deterioration of the trust remaining in the MNGOP.

As some MNGOP officers, executive committee and staff of the party engage in unconstitutional and irresponsible conduct towards the BPOUs, delegates and candidates, serious harm is being done to the Republican efforts to win elections in 2022.

Whenever and wherever Republicans currently gather, the talk too often eventually turns to both the anger towards and distrust in administrators and administration of

the party. It seems increasingly clear that those currently in power fear the grassroots activists mobilizing to fight on behalf of conservative ideas and ideals because these leaders are neither healing the relationships that have been damaged nor restoring the GOP its previous role as the party of the People, by the People and for the People.

True Republicans are joining together to create the path back to the America that we knew and know still is the greatest country on earth.

Those Republicans expect these officials and employees to:

- ❖ Abide by the Republican Party of Minnesota Constitution, the rules of the Apportionment Manual as required by the constitution and all state and federal constitutions, law and case law;
- ❖ Review all PCRC forms, with input from Precinct conveners and / or attendees, to ensure the lists submitted to the party include ONLY the names of every delegate and alternate voted upon and elected at the precinct caucus;
- ❖ Recognize all and only 2022 delegates and alternates who were duly elected at precinct caucus on February 1, 2022; and
- ❖ Recognize the duly elected delegates to congressional district and state conventions.

We ask and encourage the people of Minnesota to persist in their individual and collective efforts to identify vulnerabilities in our party and public elections and we implore the party to stop undermining those people in this necessary and difficult effort.

Even the greatest country on earth requires its political leaders to protect and defend it for posterity. In the United States, those political leaders have always been Republicans.

We expect the current GOP leaders to end the neglect of the party's best intentions and true calling and to again lead those who seek to preserve and protect the freedoms we too often took for granted.