

SANDLER REIFF

SANDLER REIFF LAMB
ROSENSTEIN & BIRKENSTOCK, P.C.

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July 20, 2021

Federal Election Commission
Office of Complaints Examination
and Legal Administration
ATTN: Kathryn Ross, Paralegal
1050 First Street, N.E.
Washington, D.C. 20463

BY EMAIL TO: CELA@FEC.GOV

Re: MUR 7907 on behalf of NDP – Nebraska Democratic Party

Dear Ms. Ross:

I am writing on behalf of the Nebraska Democratic Party (the “NDP”) in response to the Commission’s notification that it received a complaint (the “Complaint”) alleging that the NDP had violated the Federal Election Campaign Act (the “Act”) and Federal Election Commission (the “Commission”) regulations.

As a threshold matter, it must be noted that this Complaint falls into a pattern of frivolous complaints that have been filed by the Complainant arising from the frayed relationship between the Complainant and the NDP over several years. As demonstrated by the documents attached as Exhibit A, the Complainant has a history of voicing complaints against the NDP across multiple venues, including the Nebraska Accountability and Disclosure Commission (ongoing, will be heard in September 2021), the Democratic National Committee (which sided with the NDP), and within the state and local party structures (two failed resolutions). Thus, the Complaint is not guided by Complainant’s desire to enforce federal campaign finance law but part of a larger pattern of harassment of the NDP for political gain.

Further, the Complainant was not involved in the NDP’s day-to-day operations. Although a former County Party Chair, any interaction between the Complainant and any of the NDP’s staff listed in the Complaint would have been as a non-federal candidate in the 2020 cycle.¹

As a result, the information provided in the Complaint is not based on “personal knowledge” and is not properly “accompanied by an identification of the source of information which gives rise to the complainants belief in the truth of such statements.”² For this reason alone, we request that the Commission dismiss the Complaint.

¹ Complainant was a candidate for Public Service Commission and was formerly the Chair of the Douglas County Democratic Party.

² 11 C.F.R. § 111.4(d)(2).

On a substantial basis, the Complaint does not paint an accurate picture of the facts. The NDP designed a staffing program that, in its belief, fully complied with the Act and the Commission's relevant regulations and guidance, and therefore, the facts do not support the Complaint's legal conclusions and it should be dismissed for failing to allege any facts that would lead to a violation of the Act.

In any event, should the Commission find merit in these baseless allegations, it should still dismiss this matter because the Commission has never provided a methodology for calculating the 25% time threshold for paying staff salaries. And despite this lack of guidance, the NDP still made sure to properly differentiate between 100% federal funds and allocated funds, as can be seen in the NDP's reports throughout 2020.

BACKGROUND

In 2020, Nebraska had four federal offices and 550 nonfederal offices up for election, but because of the ongoing Covid-19 pandemic, the 2020 election was handled much differently than normal election years. Even though NDP's staff oversaw volunteer efforts across the state for all elections, both federal and nonfederal, none of NDP's staff were engaged in any direct, in-person voter contact.³ As a result, the NDP coordinated over 3,500 volunteers and its staff through virtual trainings and meetings. In particular, the NDP had twice-weekly calls with staff for updates and for trainings to ensure ongoing compliance with best practices.

Throughout this process, the NDP maintained monthly payroll logs and ensured that each staff member was paid in line with Commission regulations. All staff named in the Complaint spent less than 25% of their time on federal activity, and therefore, were paid using the federal/nonfederal allocation ratio. Attached to this response as Exhibit C, please find a declaration of Jim Rogers, NDP's Executive Director, that confirms that the NDP was responsible for determining the proper method of paying each employee and that those employees that were paid with a combination of federal and non-federal dollars did not spend more than 25% of any calendar month on federal election activities or other activities in connection with a federal election.

Under the Act and relevant regulations, state parties must pay staff salaries with 100% federal funds when staff spend over 25% of their time on federal election activity and other activity related to a federal election.⁴ If that time split is less than 25%, the party may pay staff with a combination of federal and nonfederal funds based upon the allocation ratio applicable to its administrative expenses.⁵ Lastly, if staff spend no time on federal activity, their salaries may be paid using entirely nonfederal funds.⁶ Further, as a recordkeeping matter, state parties must maintain monthly payroll logs for all staff to determine these percentages.⁷

³ See Exhibit B for NDP staff job titles and descriptions.

⁴ 11 CFR 106.7(d)(1)(ii), (e)(2); 11 CFR 300.33(d)(2).

⁵ 11 CFR 106.7(d)(1)(i); 11 CFR 300.33(d)(1).

⁶ 11 CFR 106.7(d)(1)(iii); 11 CFR 300.33(d)(3).

⁷ 11 CFR 106.7(d)(1).

As a general matter, the Commission has provided little information regarding any proper methodologies in determining the proper classification of staff between these categories. There are no regulations that address the subject, no enforcement cases, and only one Advisory Opinion that could not even provide guidance as to whether an employee's supervision of a volunteer needs to be attributable to the federal portion of the 25% ratio.⁸

None of the NDP's staff exceeded the 25% time threshold, and as a result, their salaries were allocated between the NDP's federal and nonfederal funds. Indeed, on each of the NDP's relevant reports, the salaries of the staff named in the Complaint are reported on Schedule H4, which is where a state political party reports allocated administrative expenses, including the salaries of staff spending less than 25% of their compensated time on federal activity.⁹ It should be noted that those staff members that had exceeded the 25% threshold in the NDP's determination were paid exclusively with federal funds and were disclosed on Line 30B of the NDP's 2020 reports.

Furthermore, Mr. Rogers's declaration confirms that:

1. All staff members mentioned in the "Growing Our Party" email (Compl. Ex. 1) were employees of the state party, were listed on the staff webpage (Compl. Ex. 2), were provided with @nebraskademocrats.org email addresses, and were paid by the NDP. As described in the email itself, these staff worked on both federal and nonfederal races and were therefore paid using allocated funds.
2. Staff office hours (Compl. Ex. 3) were meant to provide extensive volunteer training as a result of the extraordinary circumstances created by the Covid-19 pandemic. Speaking to Exhibit 3 specifically, it in no way shows that Ms. Giselle Bergmeier crossed the 25% threshold. Instead, it shows that she spent 3 hours during a 40-plus-hour work week on volunteer training, which equates to 7.5% of one week or 1.8% of a month. This is nowhere near the 25% threshold, even if there were twice-weekly calls for each week within a month (14.4%).
3. The Complaint's Exhibit 4 is a screenshot of a Facebook post dated June 2, 2020, where the Kara Eastman campaign refers to Mr. Jaden Wade as a campaign employee. The staff member, Mr. Wade, did not start working for the NDP until June 15, 2020.
4. The screenshot in Exhibit 5 was posted three days after Ms. Fatima Flores-Lagunas joined the NDP's staff. On the same day, the NDP contacted the Kara Eastman for Congress campaign and requested that the campaign cease referring to former staff as campaign staff. Exhibit B to Mr. Rogers' Declaration shows the Kara Eastman for Congress campaign referring to Ms. Flores-Lagunas as a member of the NDP's staff.

With regards to the LinkedIn descriptions in the Complaint's supplement, only some of the named staff members' profiles were provided. Of these, some did not provide any substance because they were not actually connected on the site with the Complainant. For those that were

⁸ FEC Adv. Op. 2010-24 at 2-4; *see also* Legal Discussion below.

⁹ *See* Nebraska Democratic Party reports from June 2020 to December 2020.

visible, most described their roles and activities accurately and as such, the profiles do not imply any wrongdoing on the part of the NDP. To the extent that some profiles imply that staffers primarily worked on federal races, they are misrepresentations of the roles and work done by those staff members. Furthermore, the NDP has no control whatsoever over former staff's social media profiles.

Lastly, in accordance with the Commission's recordkeeping requirements, the NDP maintained monthly payroll logs to track whether or not the staff members crossed the 25% threshold.¹⁰ Their salaries were reported in line with those logs. For these reasons, we respectfully request that the Commission find no reason to believe and dismiss this Complaint.

LEGAL DISCUSSION

Aside from the factual discussion above, should the Commission find issue with the NDP's determination of its staff's time, the Commission should still find no reason-to-believe that any violation has occurred because it has never provided a methodology for calculating the 25% time threshold for payment of staff salaries. Even so, the NDP did its best to differentiate between those employees whose salaries were paid with 100% federal funds and those paid through a combination of federal and non-federal dollars.

Throughout the Bipartisan Campaign Reform Act's ("BCRA") 19-year lifespan, the Commission has only provided one Advisory Opinion that comes close to providing any guidance on this issue. That opinion, Adv. Op. 2010-24, only stands for the proposition that assisting with voter registration and preparing voter registration materials constitute Federal Election Activity that count towards the 25% threshold.¹¹ AO 2010-24 goes no further because those voter registration activities constituted 30-35% of the staff member's time at issue thereby exceeding the 25% threshold.¹² The Commission also was unable to reach a four-vote majority to provide guidance about whether supervision of voter registration activity constitutes FEA.¹³

Outside of this single, narrow Advisory Opinion, the Commission has considered a number of Audits,¹⁴ Matters Under Review,¹⁵ and Alternative Dispute Resolution cases¹⁶ without providing any description of a permissible methodology. Indeed, even the first Advisory Opinion released after BCRA's creation of the 25% time threshold does not provide any such

¹⁰ 11 CFR 106.7(d)(1).

¹¹ FEC Adv. Op. 2010-24 at 2-4.

¹² *Id.* at 4.

¹³ *Id.* at 5.

¹⁴ *See, e.g.*, FEC, Final Audit Report of the Commission on the Hawaii Democratic Party, at 25, 34 (2018); FEC, Final Audit Report of the Commission on the Republican Party of Orange County (Federal), at 11 (2015); FEC, Final Audit Report of the Commission on the Democratic Party of Illinois at 8, 13 (2014); *see also* FEC, Audit of Democratic Party of Illinois, Statement of Reasons of Vice Chair Ann Ravel and Commissioners Steven T. Walther and Ellen L. Weintraub (2014).

¹⁵ *See, e.g.*, FEC, First General Counsel's Report, MUR 7258, at 2 (2017) (referring to Kansas Democratic Party Audit); FEC, First General Counsel's Report, MUR 7235, at 5 (2017) (referring to Utah Republican Party Audit); FEC, Factual and Legal Analysis, MUR 7215, at 2 (2016) (referring to Oklahoma Leadership Council Audit).

¹⁶ *See, e.g.*, FEC, ADR 881 (Democratic Party of South Carolina), Settlement Agreement at 1-2; FEC, ADR 879 (Michigan Democratic State Central Committee), Settlement Agreement at 1-2; FEC, ADR 877 (Arizona Republican Party), Settlement Agreement at 2-3.

guidance.¹⁷ Nor do the two Explanations and Justifications documents on the matter.¹⁸ In addition, the Commission's Party Guide and Party Committee Operations webinar provide no clear guidance on this issue.¹⁹ To be sure, it has been our experience that the Commission has accepted a declaration from a party committee that the employees paid on Schedule H4 had not exceeded the 25% threshold.²⁰

Finally, it should be noted that the lack of guidance and application of the 25% standard is further exacerbated by the inconsistency in its defined scope between the federal statute and the Commission's regulation. The relevant statutory provision confines the scope of the 25% standard to activities "in connection with a federal election."²¹ However, the Commission's regulation provides for a much broader scope and includes not only activities in connection with a federal election but "federal election activities."²² This is a significant distinction as "federal election activities" encompasses much more activity than the narrow definition of activities "in connection with a federal election" in the statute, including voter registration and get-out-the-vote activities that may only refer to or target non-federal elections or that mention no candidate at all.²³ To our knowledge, the Commission has never provided a principled explanation as to the divergence and expansion of the scope of this statutory provision. Thus, besides the unfairness of the significant expansion of the statutory language, the Commission's lack of clarity of the salary regulations provides a significant burden on state parties in determining the proper application of the regulation.

For this reason, even aside from the clear factual reasons against finding a violation here, the Commission cannot find reason-to-believe in a case where it did not provide adequate notice of the activity being regulated.²⁴

CONCLUSION

To reiterate, this Complaint falls within the Complainant's pattern of harassment of Respondent rather than representing an attempt to uphold federal campaign finance law. Given this, and the Complainant's lack of personal knowledge, the Commission should dismiss this Complaint outright.

¹⁷ FEC Adv. Op. 2003-11.

¹⁸ See 67 FR 49078-79 (explaining staff salaries and allocation); 70 FR 75380 (discussing 106.7(d), (e)(2), and 300.33(d)).

¹⁹ FEC Party Committee Guide at 117, n.1, 159; FEC Party Operations Part 2 Materials.

²⁰ See e.g., Audit of the South Carolina Democratic Party (2014).

²¹ 52 U.S.C. § 30101(20)

²² 11 C.F.R. § 300.33(d)(1)

²³ This additional language incorporates all federal election activities described in 52 U.S.C. § 30101(20), most of which is designed and intended to regulate generic and non-federal activity.

²⁴ See MURs 6969, 7031, and 7034, Controlling Statement of Reasons of Chair Caroline C. Hunter and Matthew S. Petersen, 5-7 (Sept. 13, 2018) (citing *FCC v. Fox Television Stations*, 567 U.S. 239, 253 (2012)); MURs 6485, 6487, 6488, 6711, and 6930, Controlling Statement of Reasons of Chairman Matthew S. Petersen and Commissioners Caroline C. Hunter and Lee E. Goodman, 8-9, n. 50 (Apr. 1, 2016) ("The Commission has several procedures available for drawing such lines. They include notice and comment rulemaking, interpretative guidance, and statements interpreting the Act in the enforcement context"); see also, e.g., *General Elec. Co. v. U.S. EPA*, 53 F.3d 1324 (D.C. Cir. 1995).

As for the Complaint's allegations, the NDP complied with all relevant law regarding payment of staff salaries, allocations thereof, and the maintenance of monthly payroll logs. It did so to the best of its ability, despite the fact that in the 19-year history of this requirement, the Commission has never provided state parties with a methodology for calculating the 25% time threshold for payment of staff salaries. For these reasons, the Commission should find no reason to believe a violation of the Act occurred and dismiss this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "N. P. Reiff".

Neil P. Reiff
Counsel to Nebraska Democratic Party

State of Nebraska

Accountability and Disclosure Commission

P.O. BOX 95086
Lincoln, Nebraska 68509
www.nadc.nebraska.gov



Centre Terrace, 1225 L St. #400
Phone (402) 471-2522
Fax (402) 471-6599

June 1, 2021

The Nebraska Democratic Party
3701 O Street, Suite 200
Lincoln, NE 68510

Re: Case #21-15

Dear Sir or Madam,

Based upon information received in the enclosed Complaint, the Nebraska Accountability and Disclosure Commission ("Commission") has initiated a Preliminary Investigation. The Notice of Preliminary Investigation, which is enclosed, alleges that you have violated a provision of the Nebraska Political Accountability and Disclosure Act ("NPADA"). Please note that the provision of the NPADA at issue in the investigation is a civil, and not a criminal violation.

We enclose a copy of the Complaint which has been filed with the Commission, together with a Notice of Preliminary Investigation, and a Notice of Action Taken, showing receipt of the Complaint and commencement of the Preliminary Investigation.

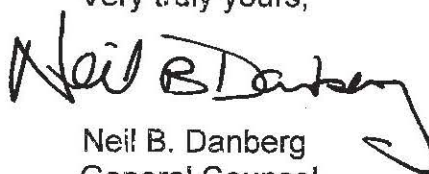
With respect to the Investigation which has now been undertaken, please bear in mind the following: 1. The Investigation will be confidential during its course, and the Commission will not disclose the nature or object of any ongoing investigation unless you notify us in writing that you wish this matter to be made public; 2. A Preliminary Investigation means only that we are in the process of gathering facts to determine whether Nebraska law was followed; 3. In the event that it becomes clear that you are not a proper subject of the investigation, the Commission will take action to redirect or terminate the investigation; 4. If the Commission is satisfied that Nebraska law has been followed, the investigation will cease; 5. On the other hand, if the Commission concludes that there is probable cause to believe that a violation has occurred and that there is sufficient evidence to establish such a violation, then the matter may proceed to a hearing.

We would specifically direct you to preserve without alteration any evidence relating to this Complaint, including any writings on paper or electronically—including but not limited to e-mails, notes, memoranda, contracts, letters, and communications which you have either received or sent.

You may respond to the Complaint. If you do so, we would appreciate a response with thirty (30) days. If you need additional time, please so advise.

Please feel free to contact this office at any time concerning this matter. Should you have any questions, please contact me at 402-471-2522.

Very truly yours,

A handwritten signature in black ink, appearing to read "Neil B. Danberg", with a stylized flourish at the end.

Neil B. Danberg
General Counsel

State of Nebraska

Accountability and Disclosure Commission

P.O. BOX 95086
Lincoln, Nebraska 68509
www.nadc.nebraska.gov



Centre Terrace, 1225 L St. #400
Phone (402) 471-2522
Fax (402) 471-6599

NOTICE OF ACTION TAKEN ON A SWORN COMPLAINT Case #21-15

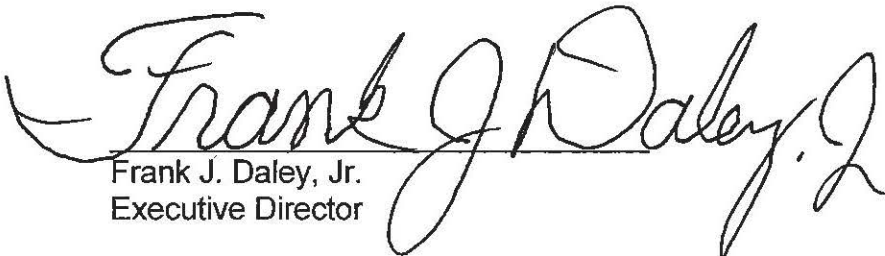
To: Nebraska Democratic Party

Pursuant to the provisions of Section 49-14,124 of the Nebraska Political Accountability and Disclosure Act, notice is hereby given in the matter of the sworn complaint that was filed against you by Crystal Rhoades. The action to date by the Nebraska Accountability and Disclosure Commission is as follows:

May 19, 2021
June 1, 2021

Complaint received
Preliminary Investigation Commenced

A copy of this Notice was sent by Certified U. S. Mail, postage prepaid and return receipt requested, on the 15th day of June, 2021, to the following person at the following address:
The Nebraska Democratic Party, 3701 O Street, Suite 200, Lincoln, NE 68510.


Frank J. Daley, Jr.
Executive Director

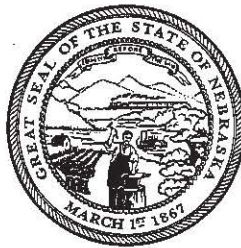
WARNING: All Commission proceedings, records and actions relating to investigations and hearings, in which a violation of the Act is alleged, are to remain Confidential unless the person alleged to be in violation requests that they be public or until the Commission makes a final determination after hearing that the Act has been violated. [See Neb. Rev. Stat. §49-14,124.01 and §49-14,125, and Commission Rule 1.]

. . . any person who violates the confidentiality of a Commission proceeding . . . shall be guilty of a Class III misdemeanor . . . [Neb. Rev. Stat. §49-14,135].

State of Nebraska

Accountability and Disclosure Commission

P.O. BOX 95086
Lincoln, Nebraska 68509
www.nadc.nebraska.gov



Centre Terrace, 1225 L St. #400
Phone (402) 471-2522
Fax (402) 471-6599

NOTICE OF PRELIMINARY INVESTIGATION Case #21-15

To: Nebraska Democratic Party

Pursuant to the provisions of Section 49-14,124, Revised Statutes of Nebraska, also known as the Nebraska Political Accountability and Disclosure Act ("NPADA") notice is hereby given that a Preliminary Investigation is hereby commenced in this matter based upon a sworn Complaint submitted to the Nebraska Accountability and Disclosure Commission ("NADC") by Crystal Rhoades. The alleged violation to be investigated is as follows:

That the Nebraska Democratic Party, on or before May, 2021 paid for and distributed written political materials related to candidates, but it failed to include on the material, the street address of the person paying for the material in violation of §49-1474.01 of the NPADA.

Upon completion of the preliminary investigation, the matter will be submitted to the NADC for a determination as to whether there is probable cause to believe that the provisions of the NPADA have been violated. If the NADC finds probable cause, a hearing will be held. You will be notified thereof and may appear, present evidence, and be represented by an attorney. If, after hearing, the NADC finds that you have violated the NPADA, you may be ordered and required to comply with the Act, and to pay a civil penalty of up to \$5,000 for each violation.

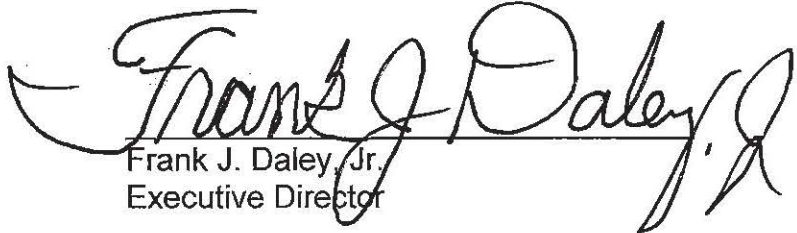
If the NADC finds that the preliminary investigation fails to indicate probable cause, the investigation will be terminated and there will be no hearing.

You may submit statements of explanation or other documentation to be made a part of the preliminary investigation. Please do so within thirty (30) days from the date of this notice.

All NADC proceedings, records and actions relating to investigations and hearings, in which a violation of the NPADA is alleged, are to remain **confidential** unless the

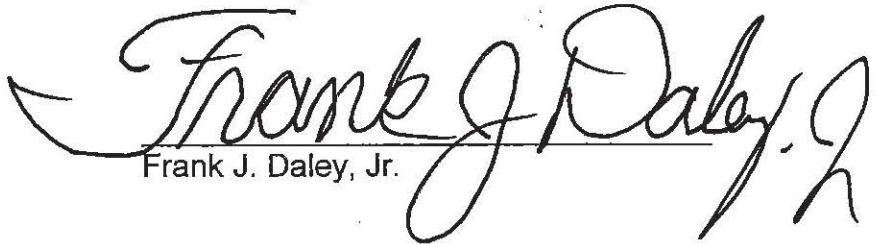
person alleged to be in violation requests that they be public, or until the NADC makes a final determination after hearing that the NPADA has been violated. [See Sections 49-14,124, 49-14,124.01 and 49-14,125 of the Nebraska Statutes, and NADC Rule 1.]

DATED this 1st day of June, 2021


Frank J. Daley, Jr.
Executive Director

CERTIFICATE OF SERVICE

A copy of this Notice was sent by certified U.S. Mail, postage prepaid, return receipt requested, on this 1st day of June, 2021 to the following person or persons at the following address: Nebraska Democratic Party, 3701 O Street, Suite 200, Lincoln, NE 68510.


Frank J. Daley, Jr.

NEBRASKA
ACCOUNTABILITY AND
DISCLOSURE COMMISSION
1225 L St. #400
P.O. Box 95086
Lincoln, NE 68509
(402) 471-2522

POSTMARK
DATE

5/17/21

COMPLAINT
NUMBER

21-15

OFFICE USE ONLY

BEFORE COMPLETING THIS FORM
READ THE INSTRUCTIONS ON
REVERSE SIDE

COMPLAINT

2021 MAY 19 AM 0:00

CONFIDENTIALITY: ONCE A COMPLAINT IS FILED WITH THE COMMISSION, ALL COMMISSION PROCEEDINGS AND RECORDS RELATING TO THE COMPLAINT ARE CONFIDENTIAL EXCEPT AS PROVIDED IN SECTION 49-14124.01 AND COMMISSION RULE 1.

A. Complainant (Person Filing Complaint)

Name

Rhoades

Crystal

Telephone

(LAST)

(FIRST)

(MIDDLE)

Address

STREET ADDRESS OR RURAL ROUTE

Omaha

NE

68106

CITY

STATE

ZIP

B.

Name and address of the person alleged to have violated the Nebraska Political Accountability and Disclosure Act (section 49-1401 to 49-1414, Revised Statutes.)

Name:

Nebraska Democratic Party

Telephone

402-434-2180

(LAST)

(FIRST)

(MIDDLE)

Address

3701 O St. #200 Lincoln NE 68510

STREET ADDRESS OR RURAL ROUTE

CITY

STATE

ZIP

C.

Complainant alleges: (Include names, dates and places. Use a separate sheet of paper if needed.)

The NE Democratic Party sent two mailers with improper paid for by disclosures. Both mailers omitted the address required by law.

D.

Verification:

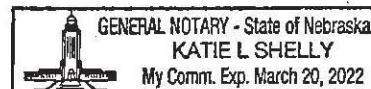
State of

Nebraska

SS

County of

Douglas



I, Crystal A Rhoades, do swear (or affirm) that I am the complainant as alleged above and that this complaint and all attachments thereto have been examined by me and that the allegations contained therein are true to the best of my knowledge and belief.

Crystal A Rhoades
(Signature of Complainant)

Subscribed and sworn before me this

17
DAY

day of

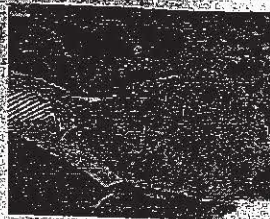
May 2021
MONTH YEAR

Notary Public

5/17/2021

YOUR OMAHA DEMOCRATIC CANDIDATES

MAYOR

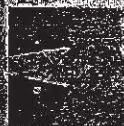


RJ Neary

CITY COUNCIL



City Council District 1
Pete Festerer



City Council District 2
Ben Ciolek



City Council District 3
Jennifer Johnson



City Council District 4
Dorothy Bergew



City Council District 5
Dorothy Bergew



City Council District 6
Dorothy Bergew



City Council District 7
Dorothy Bergew



City Council District 8
Dorothy Bergew

GROWING THE GOOD LIFE FOR ALL NEBRASKANS

Nebraska Democrats.org

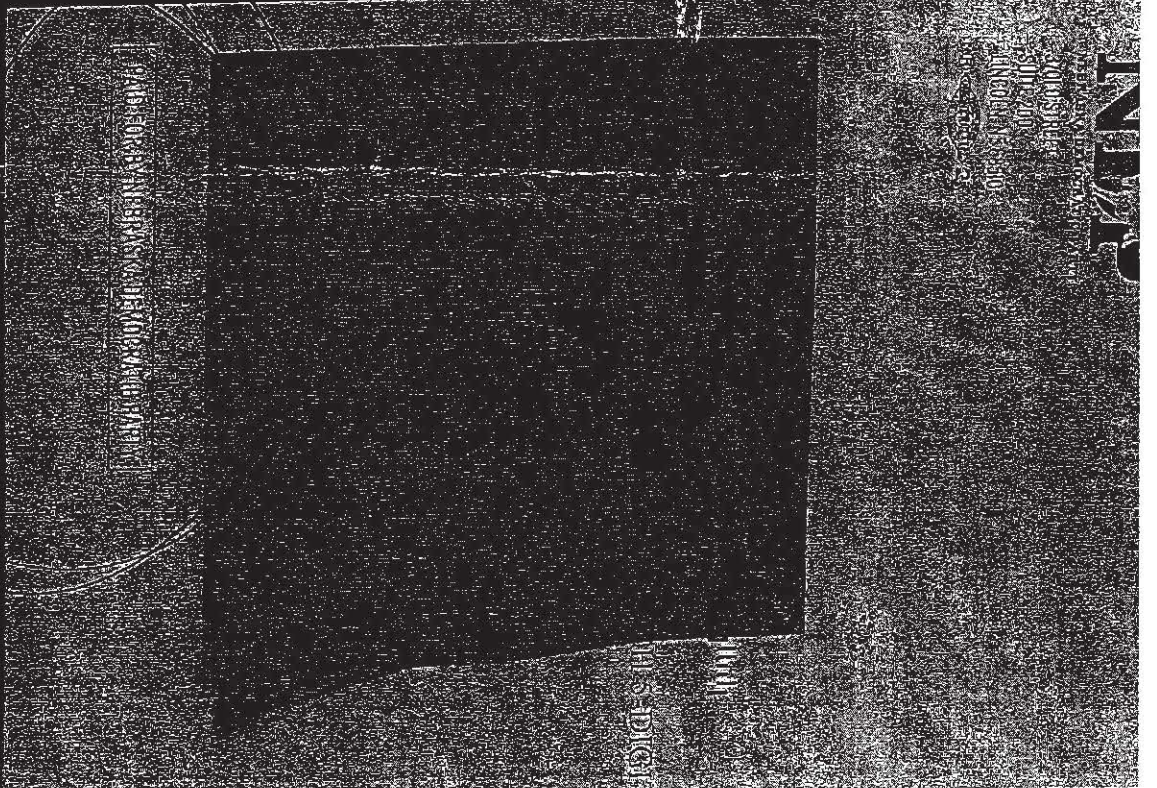
2020-2021 NEBRASKA DEMOCRATIC PARTY

5/17/2021



**VOTE TO RE-ELECT
PETE FESTERSEN**
Primary Election: April 6
General Election: May 11

**PETE
FESTERSEN**
A trusted
leader who
supports
progressive
values and
priorities.





April 8, 2020

Jane KleeB
Nebraska Democratic Party
3701 O Street, Ste. 200
Lincoln, NE 68510

VIA ELECTRONIC MAIL ONLY

Dear Chair KleeB,

I am writing you today to inform you that the Executive Committee of the Douglas County Democratic Party voted on whether or not to hold our own convention or allow the Nebraska Democratic Party to conduct the County Party Convention. Our board voted to conduct our own convention in accordance with our constitution and by-laws. The County Party is currently reviewing the DNC revised and approved State Delegate Selection Plan so that we may appropriately plan for our convention.

Sincerely,

Scott J. Packer, *esq.*
Executive Director

Cc: Crystal Rhoades; Jim Rogers



Douglas County Democratic Party
7602 Pacific Street, #LL103, Omaha, NE 68114
Phone: (402) 558-5912
 DouglasCountyDemocrats.com
 facebook.com/DouglasCountyDemocrats/
 [@VoteDCDems](https://twitter.com/VoteDCDems)



April 16, 2020

Jane Kleeb, State Chair
Nebraska Democratic Party
3701 O Street Suite 200
Lincoln, NE 68150

Dear Chair Kleeb:

We are in receipt of your April 14 email asking for clarification about the status of the recent changes to the Nebraska Democratic Party's 2020 Delegate Selection Plan. We have also received an April 15 email from Douglas County Chairwoman Crystal Rhoades also asking for the same clarification, and she is copied on this letter.

As you know, the Democratic National Committee requires state Democratic parties to adopt and implement a Delegate Selection Plan governing all aspects of the delegate selection process. Those Plans were to be submitted to the DNC Rules and Bylaws Committee (RBC) not later than May 3, 2019, and the RBC was to act on the proposed Plans by September 13, 2019. Following the RBC's approval of a state's Plan (i.e., "Compliance"), the Committee retains jurisdiction over the approval of any amendments to the Plan.

Accordingly, the Nebraska Democratic Party initially submitted its proposed 2020 Delegate Selection Plan to the RBC on May 3, 2019. The RBC considered the Nebraska Plan on July 30, 2019, and voted to find the Plan in "Conditional Compliance" pending resolution of some omissions and/or deficiencies. Following receipt of a revised Plan, on November 12, 2019, the RBC Co-Chairs informed you that the revised Plan had been found in full Compliance. At that time, the RBC Co-Chairs reminded you that should the State Party need to change any provision of the Plan, the RBC's Regulation 2.9 requires all amendments to and approved by the RBC before they are final.

On March 31, 2020, you sent me and other DNC staff a draft timeline and updated forms and rules for a revised County and State Convention process to be used for selecting National Convention delegates and indicated that the State Executive Committee had been given the authority by the State Central Committee to approve the revised rules for the County and State Conventions. You subsequently sent a revised Plan incorporating the new timeline. The RBC approved the new timeline and updated

forms and rules for the revised County and State Conventions process and the Nebraska Democratic Party's amendments to its Plan, including and incorporating by reference all of the new provisions in the rules governing the timing and process for holding the County Conventions and State Convention, were approved by the RBC Co-Chairs on April 10, 2020, in accordance with Regulation 2.9.

With the approval of the amendments to your state's 2020 Delegate Selection Plan, that revised Plan, including all of the provisions in the updated forms and rules governing the timing and processes for the County Conventions and State Convention, now fully governs the Nebraska Democratic Party's delegate selection process. Implementation of any procedures not specifically provided for in the Plan and the incorporated forms and rules, could result in challenges to the state's delegate selection process and its delegates to the National Convention.

I hope this letter will help resolve any questions or uncertainties as to the status of your revised Plan. Please let me know if you have any further questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrice Taylor".

Patrice Taylor, Director
Party Affairs and Delegate Selection

cc: Crystal Rhoades



April 20th, 2020

Rules and Bylaw Committee Co-Chairs
c/o Democratic National Committee
430 South Capitol Street, SE
Washington, DC 20003
partyaffairs@dnc.org

CC: Jane Kleeb, Chair NDP; Jim Rodgers, Executive Director, NDP.

To Whom it May Concern,

Pursuant to Regulation 3.1(A)(iii) of the Regulations of the Rules and Bylaws Committee for the 2020 Democratic National Convention, the Douglas County Democratic Party of Nebraska (hereafter, the "DCDP" or "County Party,") appeals a decision of the Nebraska Democratic Party (hereafter, the "NDP" or "State Party,") rejecting the County Party's decision to host its own County Convention, to collect its own registration forms for such convention, and to create and count its own ballots for its Convention.

On or about April 3rd, 2020, the NDP submitted to the Democratic National Committee Rules and Bylaw Committee ("RBC") a revised copy of the NDP's Nebraska Delegate Selection Plan, which was subsequently approved by the RBC. The Delegate Selection Plan was revised in light of the social distancing guidelines promulgated by the Center for Disease Control, and various directed health measures made by the Governor of Nebraska due to the spread of the novel Coronavirus.

On April 7th, the NDP issued a document titled "Nebraska Democratic Party Emergency County and State 2020 Convention Rules" to the various County Party leaders, notifying them that, among other things, the NDP would be taking over and conducting all County Party Conventions via telephone and tele-video conferences, would be accepting registrations for those conventions, and would create, mail, and count ballots for the County Party Conventions. A copy of those Rules is enclosed with this communication.

Also on April 7th, the DCDP Executive Committee held a vote in which they determined that they wished to assume those functions for the DCDP's convention. The DCDP notified the NDP of its decision on April 8th.

Regulation 3.1(A)(iii) provides the RBC with jurisdiction to hear and decide any challenge appealing a decision of a state party relative to a challenge to the Delegate Selection Plan. The DCDP challenges the Nebraska Delegate Selection Plan and Emergency County State 2020 Convention Rules, as they apply to the DCDP, on the following grounds:

1. The DCDP is an independently operated organization from the NDP. The DCDP has been incorporated under the laws of Nebraska as an IRC § 527 organization. The DCDP has its own Constitution and Bylaws which requires the DCDP to host its biennial convention. The DCDP has its own elected Central Committee and Executive Board, including leadership positions such as Chair, Vice-Chair, Secretary



and Treasurer. The DCDP has its own filing obligations both with the Nebraska Accountability and Disclosure Commission, as well as the Federal Election Commission. The DCDP is responsible for its own fundraising, and does not share fundraising resources with the State Party, or vice-versa.

2. The DCDP is able and willing to host its own county convention, and prefers to be responsible for: the collection of registration forms for delegate positions to the Convention, as well as registration forms to run for County Party leadership positions; for the creation and mailing of ballots for such leadership positions; and for the collection and counting of those ballots.
3. The By-laws and Constitution of the NDP clearly state that each County shall hold its own convention.

With these objections in mind, the DCDP requests a ruling from the DNC RBC on the DCDP's request to conduct its own County Convention in accordance with the DNC rules and bylaws and delegate selection plan as well as our constitution and by-laws. The DCDP also requests a copy of the Nebraska Delegate Selection Plan, as submitted to the DNC earlier this month.

Sincerely,

/s/ Crystal Rhoades
Chairwoman, DCDP

Interested Parties:

Crystal Rhoades
Chairwoman
Douglas County Democratic Party
7602 Pacific Street, Ste. LL103
Omaha, NE 68114

Jane Kleeb
Chairwoman
Nebraska Democratic Party
3701 O Street, Ste. 200
Lincoln, NE 68510
jane@nebraskademocrats.org



Douglas County Democratic Party
7602 Pacific Street, #LL103, Omaha, NE 68114
Phone: (402) 558-5912
DouglasCountyDemocrats.com
facebook.com/DouglasCountyDemocrats/
@VoteDC Dems

Challenge Statement

STATE OF NEBRASKA)
)
 COUNTY OF DOUGLAS)

ss.

Crystal Rhoades, being first duly sworn upon oath, states that he or she is a signor in the above-referenced challenge; that he or she has read the above and foregoing Challenge, knows the contents thereof, and that the allegations therein contained are true; and that he or she subscribes to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States.

Crystal Rhoades

(Signature)

Crystal Rhoades, Challenger
 (Printed Name)

 (Address)

Omaha NE 68106

(E-mail)

 (Telephone)

SUBSCRIBED AND SWORN to before me, a Notary Public, this 16 day of April, 2020.

[Signature]
 NOTARY PUBLIC

Challenge Statement

STATE OF NEBRASKA)
)
 COUNTY OF DOUGLAS) ss.

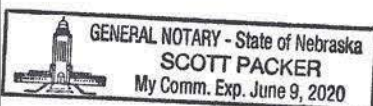
Nathaniel Grant Gadzinski being first duly sworn upon oath, states that he or she is a signor in the above-referenced challenge; that he or she has read the above and foregoing Challenge, knows the contents thereof, and that the allegations therein contained are true; and that he or she subscribes to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States.

[Signature]
 (Signature)

Nate Gadzinski, Challenger
 (Printed Name)

SUBSCRIBED AND SWORN to before me, a Notary Public, this 20th day of April, 2020.

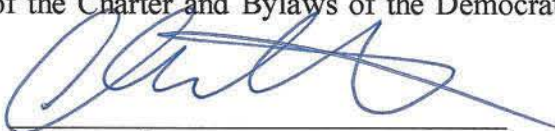
[Signature]
 NOTARY PUBLIC



Challenge Statement

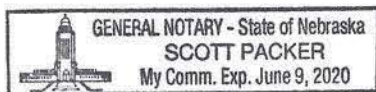
STATE OF NEBRASKA)
)
 COUNTY OF DOUGLAS) ss.

Chandon Webb, being first duly sworn upon oath, states that he or she is a signor in the above-referenced challenge; that he or she has read the above and foregoing Challenge, knows the contents thereof, and that the allegations therein contained are true; and that he or she subscribes to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States.


 (Signature)

SUBSCRIBED AND SWORN to before me, a Notary Public, this 17 day of April, 2020.

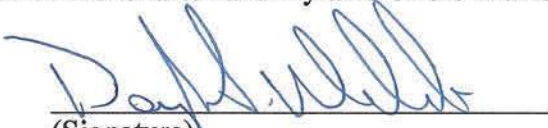

 NOTARY PUBLIC



Challenge Statement

STATE OF NEBRASKA)
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 COUNTY OF DOUGLAS) ss.

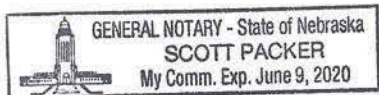
Doug Webb, being first duly sworn upon oath, states that he or she is a signor in the above-referenced challenge; that he or she has read the above and foregoing Challenge, knows the contents thereof, and that the allegations therein contained are true; and that he or she subscribes to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States.


 (Signature)

Douglas S. Webb, Challenger
 (Printed Name)

SUBSCRIBED AND SWORN to before me, a Notary Public, this 17 day of April, 2020.


 NOTARY PUBLIC



Challenge Statement

STATE OF NEBRASKA)
)
 COUNTY OF DOUGLAS) ss.

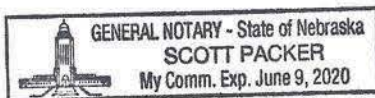
Kenneth Riter, being first duly sworn upon oath, states that he or she is a signor in the above-referenced challenge; that he or she has read the above and foregoing Challenge, knows the contents thereof, and that the allegations therein contained are true; and that he or she subscribes to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States.

Kenneth S. Riter
 (Signature)

Kenneth Riter, Challenger
 (Printed Name)

SUBSCRIBED AND SWORN to before me, a Notary Public, this 17th day of April, 2020.

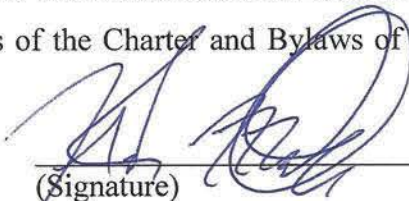
[Signature]
 NOTARY PUBLIC



Challenge Statement

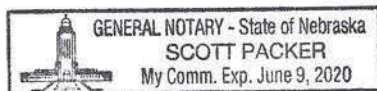
STATE OF NEBRASKA)
)
 COUNTY OF DOUGLAS) ss.

Nick Miller, being first duly sworn upon oath, states that he or she is a signor in the above-referenced challenge; that he or she has read the above and foregoing Challenge, knows the contents thereof, and that the allegations therein contained are true; and that he or she subscribes to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States.


 (Signature)

Nick Miller, Challenger
 (Printed Name)

SUBSCRIBED AND SWORN to before me, a Notary Public, this 18th day of April, 2020.




 NOTARY PUBLIC

Challenge Statement

STATE OF NEBRASKA)
)
 COUNTY OF DOUGLAS) ss.

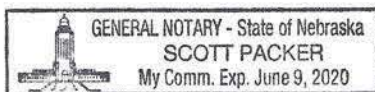
Evan "Sarge" Bell, being first duly sworn upon oath, states that he or she is a signor in the above-referenced challenge; that he or she has read the above and foregoing Challenge, knows the contents thereof, and that the allegations therein contained are true; and that he or she subscribes to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States.


 (Signature)

Evan Sarge Bell, Challenger
 (Printed Name)

SUBSCRIBED AND SWORN to before me, a Notary Public, this 19 day of April, 2020


 NOTARY PUBLIC



Challenge Statement

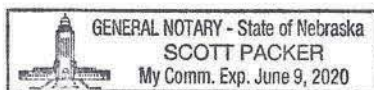
STATE OF NEBRASKA)
)
 COUNTY OF DOUGLAS) ss.

Benjamin Onkka, being first duly sworn upon oath, states that he or she is a signor in the above-referenced challenge; that he or she has read the above and foregoing Challenge, knows the contents thereof, and that the allegations therein contained are true; and that he or she subscribes to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States.


 (Signature)

Benjamin Onkka, Challenger
 (Printed Name)

SUBSCRIBED AND SWORN to before me, a Notary Public, this 16 day of April, 2020.




 NOTARY PUBLIC

Challenge Statement

STATE OF NEBRASKA)
)
 COUNTY OF DOUGLAS) ss.

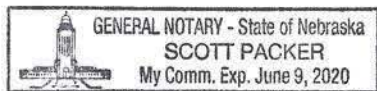
Amanda Ryan, being first duly sworn upon oath, states that he or she is a signor in the above-referenced challenge; that he or she has read the above and foregoing Challenge, knows the contents thereof, and that the allegations therein contained are true; and that he or she subscribes to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States.

Amanda Ryan
 (Signature)

Amanda Ryan, Challenger
 (Printed Name)

SUBSCRIBED AND SWORN to before me, a Notary Public, this 16th day of April, 2020.

Scott Packer
 NOTARY PUBLIC



Challenge Statement

STATE OF NEBRASKA)
)
 COUNTY OF DOUGLAS) ss.

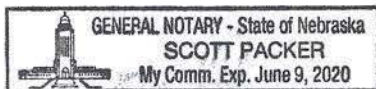
CRAG KATZ, being first duly sworn upon oath, states that he or she is a signor in the above-referenced challenge; that he or she has read the above and foregoing Challenge, knows the contents thereof, and that the allegations therein contained are true; and that he or she subscribes to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States.

(Signature)

CRAG KATZ, Challenger
 (Printed Name)

SUBSCRIBED AND SWORN to before me, a Notary Public, this 17 day of April, 2020.

NOTARY PUBLIC



Challenge Statement

STATE OF NEBRASKA)
)
 COUNTY OF DOUGLAS)

ss.

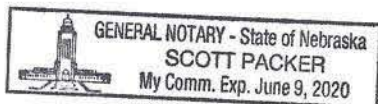
Jacquelyn Collett, being first duly sworn upon oath, states that he or she is a signor in the above-referenced challenge; that he or she has read the above and foregoing Challenge, knows the contents thereof, and that the allegations therein contained are true; and that he or she subscribes to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States.

J. Collett
 (Signature)

Jacquelyn Collett Challenger
 (Printed Name)

SUBSCRIBED AND SWORN to before me, a Notary Public, this 18th day of April, 2020.

Scott Packer
 NOTARY PUBLIC



Challenge Statement

STATE OF NEBRASKA)
)
 COUNTY OF DOUGLAS) ss.

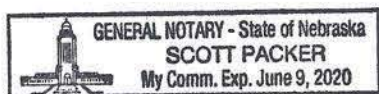
Shirley L. Smith, being first duly sworn upon oath, states that he or she is a signor in the above-referenced challenge; that he or she has read the above and foregoing Challenge, knows the contents thereof, and that the allegations therein contained are true; and that he or she subscribes to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States.

Shirley L. Smith
 (Signature)

Shirley L. Smith, Challenger
 (Printed Name)

SUBSCRIBED AND SWORN to before me, a Notary Public, this 20 day of April, 2020.

Scott Packer
 NOTARY PUBLIC



Challenge Statement

STATE OF NEBRASKA)
)
 COUNTY OF DOUGLAS) ss.

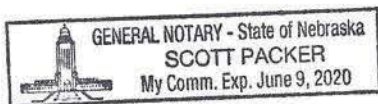
Tyler Gleason, being first duly sworn upon oath, states that he or she is a signor in the above-referenced challenge; that he or she has read the above and foregoing Challenge, knows the contents thereof, and that the allegations therein contained are true; and that he or she subscribes to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States.


 (Signature)

Tyler Gleason, Challenger
 (Printed Name)

SUBSCRIBED AND SWORN to before me, a Notary Public, this 20 day of April, 2020.


 NOTARY PUBLIC



Challenge Statement

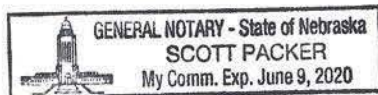
STATE OF NEBRASKA)
)
 COUNTY OF DOUGLAS) ss.

Melanie Williams, being first duly sworn upon oath, states that he or she is a signor in the above-referenced challenge; that he or she has read the above and foregoing Challenge, knows the contents thereof, and that the allegations therein contained are true; and that he or she subscribes to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States.

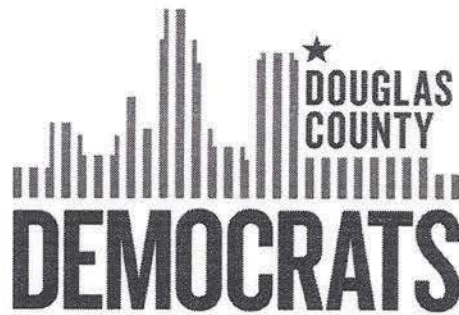
Melanie Williams
 (Signature)

Melanie S. Williams, Challenger
 (Printed Name)

SUBSCRIBED AND SWORN to before me, a Notary Public, this 20 day of April, 2020.



Scott Packer
 NOTARY PUBLIC



Challenge Statement

STATE OF NEBRASKA)
)
 COUNTY OF DOUGLAS) ss.

Jesse Parker, being first duly sworn upon oath, states that he or she is a signor in the above-referenced challenge; that he or she has read the above and foregoing Challenge, knows the contents thereof, and that the allegations therein contained are true; and that he or she subscribes to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States.

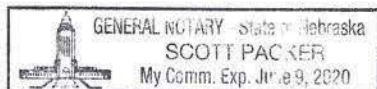
Jesse Parker
 (Signature)

Jesse Parker, Challenger
 (Printed Name)

This 19th day of April, 2020.

(E-mail) *subscribed & sworn before me*

Scott Parker



Douglas County Democratic Party
 7602 Pacific Street, #LL103, Omaha, NE 68114
 Phone: (402) 558-5912

DouglasCountyDemocrats.com
 facebook.com/DouglasCountyDemocrats/
 @VoteDC Dems



April 27, 2020

Crystal Rhoades
Chairwoman
Douglas County Democratic Party
7602 Pacific Street, Ste. LL103
Omaha, NE 68114

Jane Kleebe
Chairwoman
Nebraska Democratic Party
3701 O Street, Ste. 200
Lincoln, NE 68510

Re: Challenge to the Implementation to the Nebraska Delegate Selection Plan

The Rules and Bylaws Committee of the Democratic National Committee (the "RBC") is in receipt of the challenge appeal filed by Crystal Rhodes on behalf of additional Douglas County Democrats on April 20, 2020. Regulation 3.3.B provides that a certificate of service shall accompany any challenge document filed. The challenge documents submitted on April 20, 2020 did not include a certificate of service. Pursuant to the Regulations, this challenge submission is deficient and was not properly filed.

Although the challenge is not properly filed, we do however want to address several points raised in the letter. A question of any conflict between a county party's bylaws and a state's delegate selection plan is not the proper subject of a challenge to the RBC. The RBC has already approved the changes to Nebraska's Delegate Selection Process on April 10, 2020 and that updated Plan is on the state party website. We also note that the challengers have not alleged that the state party's actions violate its DSP, as would be required if this were a properly filed implementation challenge.

We hope that you and the other challenging parties will participate in the delegate selection process provided in the Nebraska Delegate Selection Plan as approved by the RBC.

Respectfully,

Lorraine Miller
RBC Co-Chair

James Roosevelt, Jr
RBC Co-Chair

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PAID FOR BY THE DEMOCRATIC NATIONAL COMMITTEE, DEMOCRATS.ORG. NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE'S COMMITTEE



Tuesday, April 28, 2020

Jane Kleeb
Nebraska Democratic Party
3701 O Street, Ste. 200
Lincoln, NE 68510

VIA ELECTRONIC MAIL ONLY

Dear Chair Kleeb,

We are in receipt of the letter from the Democratic National Committee answering our previous challenge letter. While we acknowledge the Delegate Selection Plan gives the Nebraska Democratic Party plenary authority over the election of delegates to its State Convention, the DSP does not grant the NDP authority to determine the elections of members to the Douglas County Democratic Party Central Committee or its Executive Board.

The DCDP will be proceeding with the election of its own Central Committee and executive officers. The DCDP will not recognize the election of central committee members or county party officers on any ballot other than the one prepared by the DCDP and mailed to its registrants. The DCDP will refer its registrants to the NDP's registration form for the election of delegates to the State Convention. We hope you will reciprocate and refer the delegates who have registered with the State Party for the election of its delegates to the DCDP if they wish to participate in the election of our Central Committee and county party offices. We would further request that the announcement of delegates to the State Convention by the NDP be delayed on May 30th so that the announcement of elected Central Committee Members and new County Party officers may precede it.

Sincerely,

/s/ Crystal Rhoades
Chairwoman

CC: Jim Rogers; Scott Packer



Douglas County Democratic Party
7602 Pacific Street, #LL103, Omaha, NE 68114
Phone: (402) 558-5912
 DouglasCountyDemocrats.com
 facebook.com/DouglasCountyDemocrats/
 [@VoteDC Dems](https://twitter.com/VoteDC Dems)

Resolution to Advance Racial Equity through Community-Based Solutions NDP Accountability Edition

Whereas, the Douglas County Democratic Party passed a resolution in January 2021 declaring the party would be “denouncing the actions of party representatives, executive leadership, party staff, and elected officials when they act in a way that hinders rights, powers, and privileges or sparks deep division in Douglas County;”

Whereas, the Nebraska Democratic Party retained one of the attorneys of record for Jake Gardner, accused murderer of James Scurlock, after his tragic death in July 2020;

Whereas, the Nebraska Democratic Party continued to use Jake Gardner’s defense attorney to represent the party in an attempt to negotiate the exit of Chris Janicek from the 2020 Senate race even after the killing;

Whereas, the killing of James Scurlock occurred at a racial justice protest, and was committed by Jake Gardner who had a history of racist social media posts;

Therefore be it resolved, the Douglas County Democratic Party denounces the decision of the Nebraska Democratic Party to employ the defense attorney of Jake Gardner due to it’s blatant disregard for propriety and sensitivity to the black community.

Resolution to Preserve Fiduciary Responsibility

Whereas, the Nebraska Democratic Party reported [\\$69,983.56 in unpaid federal election](#) debt on the most Federal Election Commission report;

Whereas, the Nebraska Democratic Party has carried federal election debt ranging from [\\$57,500.06](#) to [\\$126,919.93](#) since the 2018 general election;

Whereas, according to the FEC reports the Nebraska Democratic Party [owed a local business \\$81,486.19 after the 2018 election cycle](#) and failed to pay the debt off until March of 2020, causing substantial hardship to the small business;

Whereas, the Douglas County Democratic Party transferred [\\$20,000 to the Nebraska Democratic Party for Vote By Mail applications](#) in the 2017 municipal election, and the NDP failed to deploy the funding in a timely fashion resulting in the applications failing to land in mail boxes until the date they were due at the election commission rendering them ineffective;

Whereas the Nebraska Democratic Party violated Federal Election rules and regulations and [paid a portion of the salary of employees working full time for Eastman for Congress with soft money](#);

Whereas during the 2019-2020 election cycle the Nebraska Democratic Party [received 6 requests for additional information](#) on their election reports, 2017-2018 received [8 requests for additional information](#) from the Federal Election;

Whereas from 2017-2020 the NDP was required [to file 37 amendments to reports](#) filed with the Federal Election Commission because they were incorrect;

Therefore, be it resolved, the Douglas County Democratic Party shall not provide any direct money or contributions to the Nebraska Democratic Party, but may provide in-kind donations and direct payment to vendors to support candidate and election activities.

Nebraska Democratic Party MUR 7907 Response - Exhibit B

Employee Name	Named in complaint, supplement, or both?	Job Title	Job Description
Adonna Bryant	Complaint	Coordinated Campaign Field Organizer	Works with smaller groups of volunteers, overseeing the volunteers outreach efforts. Conducts one on one training meetings with volunteers.
Alejandra Escobar	Both	Coordinated Campaign Field Organizer	(same as Adonna)
Ashton Potter	Supplement	Digital Organizer	Works with scheduling and training volunteers in larger settings. Organizes trainings for staff and volunteers. Uses social media to drive volunteer engagement.
Drew Rodriguez	Complaint	Regional Field Director	Oversee field organizers, create schedules for field organizers to follow. Give feedback for areas of improvement for field organizers and implement best practices across the field organizer staff.
Eleanor Naiman	Supplement	Coordinated Campaign Field Organizer	(same as Adonna)
Fatima Flores-Lagunas	Both	Coordinated Campaign Field Director	(same as Drew)
Giselle Bergmeier	Both	Mobilization Director	Works with scheduling and training volunteers in larger settings. Organizes trainings for staff and volunteers
Jaden Wade	Complaint	Coordinated Campaign Field Organizer	(same as Adonna)
James Harney	Supplement	Operations Director	Works making deposits, opening mail and correspondence. Works with internal party structure like the Central Committee to keep them informed of meetings and volunteer opportunities
Jessica Cope	Supplement	Coordinated Campaign Field Organizer	(same as Adonna)
John Santner	Both	Coordinated Campaign Field Organizer	(same as Adonna)
Julio Gonzalez-Virgen	Complaint	Coordinated Campaign Field Organizer	(same as Adonna)
Mary Cronkleton	Supplement	Coordinated Campaign Field Organizer	(same as Adonna)
Nathan Johnson	Both	Coordinated Campaign Field Organizer	(same as Adonna)
Peter Coyne	Complaint	Operations Director	(same as James Harney)

Preston Love	Complaint	Constituency Organizer	Works with specific demographics of volunteers to train them and as a resource for interaction with the Nebraska Democratic Party and helping with the affiliated Black caucus.
Riley Kessler	Complaint	Coordinated Campaign Field Organizer	(same as Adonna)
Tiffany Hobbs-Banks	Supplement	Coordinated Campaign Field Organizer (Virtual Field Organizer is a post-election self-description on her LinkedIn; her actual job title is above)	(same as Adonna)
Wellesley Michael	Both	Coordinated Campaign Field Organizer	(same as Adonna)

**BEFORE THE
FEDERAL ELECTION COMMISSION**

IN RE)
)
Nebraska Democratic Party (MUR 7907))
)
)

DECLARATION OF JIM ROGERS

1. I currently serve as the Executive Director of the Nebraska Democratic Party (“NDP”). I have served in that position since February 9, 2019. As Executive Director, I oversee all political and administrative operations of the NDP, including those that took place during the 2020 election.

2. During the 2020 election, Nebraska had four federal offices and over 550 nonfederal offices on the ballot. As a result of the Covid-19 pandemic, no staff engaged in any direct voter contact. Instead, NDP adapted its organizational model and successfully trained over 3,500 volunteers that staff supervised and trained in a virtual environment. NDP also held twice weekly calls with our coordinated staff for updates and continued trainings of staff on best practices.

3. The Complainant was County Chair of the Douglas County Democratic Party during part of 2020. She also was a nonfederal candidate for local office. However, outside of those roles, the Complainant had no involvement in NDP’s day-to-day operations, and her only involvement with any of the staff named in the Complaint or Supplement (collectively “Complaint”) would have been limited to her role as a nonfederal candidate.

4. This Complaint adds onto a list of various complaints that the Complainant has filed against NDP, including a state-level campaign finance complaint, a complaint with the Democratic National Committee, and failed party resolutions.

4. Attached as Exhibit A to this declaration is a list of (1) employees named in the Complaint, and (2) the months in 2020 that the payroll of those employees was paid with an allocated combination of federal and non-federal dollars. Each of these employees was paid using allocated funds from the time of hiring through the end of the election cycle.

5. Based on my recollection, and NDP's monthly payroll logs, the listed employees did not spend more than 25% of any time during those months working on activity directly in connection with a federal election or federal election activities as defined by 52 U.S.C. § 30101(20) and 11 C.F.R. § 303.33(d)(1).

6. Complaint Exhibits 1 and 2 refer to paid NDP staff who worked on both federal and nonfederal activity and were paid accordingly, as stated above. These employees were listed on NDP's website and were given NDP email addresses.

7. Complaint Exhibit 3 refers to an employee's office hours, which were held to train volunteers. Extensive training of volunteers was needed due to the circumstances of the 2020 election cycle and the onset of the COVID-19 pandemic. Giselle Bergmeier did not exceed the 25% threshold as documented by NDP's monthly payroll logs and through the weekly check-in calls that were conducted with all NDP employees.

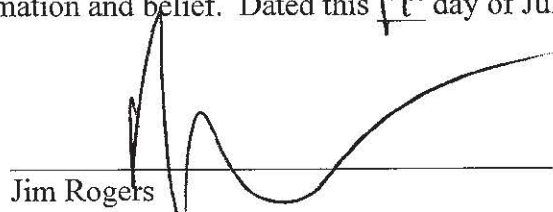
8. Complaint Exhibit 4 is a screenshot of a Facebook post dated June 2, 2020. Jaden Wade did not begin working for NDP until June 15, 2020.

9. Complaint Exhibit 5 is a screenshot of a Facebook post dated June 18, 2020. Fatima Flores-Lagunas joined the NDP staff on June 15, 2020 but had been an employee of Kara Eastman's campaign until June 14, 2020. On the same day that Facebook post was published, NDP initiated a conversation with Kara Eastman and her campaign manager, Dave Pantos, to request that they cease referring to their former staff as "Kara Eastman staff" after they joined NDP. As shown in Exhibit B, which is a Facebook post dated November 3, 2020, the Kara Eastman for Congress campaign complied with our request.

10. Finally, in reference to the Supplement's exhibits, most of the LinkedIn job titles and descriptions are accurate. Three of these profiles incorrectly describe the employee's respective title or their activities, but NDP has no control over the social media of former staff.

11. To reiterate, NDP made every effort to comply with relevant law. NDP maintained monthly payroll logs for all employees named in the Complaint. Based on those logs and weekly discussions with staff, the named employees did not spend over 25% of their time on activities in connection with a federal election or federal election activities. Therefore, these employees' salaries were paid using the federal/nonfederal funds allocation formula.

Under the penalty of perjury, I declare that the foregoing is true and correct to the best of my present knowledge, information and belief. Dated this 19th day of July, 2021.



Jim Rogers
Executive Director
Nebraska Democratic Party

EXHIBIT A

<u>Employee</u>	<u>Date Range</u>
Adonna Bryant	June – October
Alejandra Escobar	June – November
Ashton Potter	September – November
Drew Rodriguez	June – July
Eleanor Naiman	September – December
Fatima Flores-Lagunas	June – November
Giselle Bergmeier	June – November
Jaden Wade	June – November
James Harney	August – November
Jessica Cope	September – December
John Santner	July – November
Julio Gonzalez-Virgen	July – November
Mary Cronkleton	August – November
Nathan Johnson	June – December
Peter Coyne	July – December
Preston Love	July – September
Riley Kessler	August – November
Tiffany Hobbs-Banks	September – December
Wellesley Michael	July – November

EXHIBIT B

6/9/2021

(4) Facebook

**Kara Eastman**

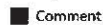
November 3, 2020 ·

As many of you know, Fatima Flores-Lagunas has been helping our campaign through her work with the NDP. Fatima is a Dreamer, a DACA recipient. She is one of the reasons I am running. Dreamers like her deserve a pathway to citizenship NOW. ¡Yo siempre estaré con los dreamers!



Meghan Morse, Ed Leahy and 277 others

4 Comments 4 Shares



Most Relevant

**Sam Porter-Green**

Oh man I would love a shirt like that! She's doing amazing things with her life and a vote for you and the Democratic Party would allow her to do more with her life than even she dreamed would be possible!

Like · Reply · 31w



2

**Mary Sweeney**

Patrick Sweeney says: Loved working with her. The little general. The human dynamo. She's the best.

Like · Reply · 31w

**Sally J Porter-Green**

I love that shirt!

Like · Reply · 31w



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