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January 23, 2008

Jill Derby, Chair  
Nevada State Democratic Party  
1210 S. Valley View Road  
Suite 114  
Las Vegas, NV 89102

Dear Chair Derby:

On behalf of the Obama for America campaign, I am writing to request that the Nevada State Democratic Party conduct an inquiry into an apparent and disturbing pattern of incidents reported at precinct locations throughout the state during the January 19 Caucus.

These reports suggest the possibility of activity conducted in violation of Party rules and the rights of voters—activity that, as the volume and distribution of those complaints indicate, may have been planned and coordinated with the willful intention to distort the process in the favor of one candidate, Senator Clinton. A sheet of instructions provided by the Clinton campaign to its precinct works captures its program for the Caucus: "*It's not illegal unless they [the temporary precinct chairs] tell you so.*" (See attachment). This certainly suggests that, for the Clinton campaign, the operative standard of conduct was, simply and only, what it could get away with.

On the day of the Caucus, we received by phone reports of misconduct, violations of the rules and irregularities, in the hundreds. Since that time, well *over a thousand* more accounts have been sent to us. Others have begun to emerge in other sources.  
[http://andrewsullivan.theatlantic.com/the\\_daily\\_dish/2008/01/sleaze-in-nevad.html#more](http://andrewsullivan.theatlantic.com/the_daily_dish/2008/01/sleaze-in-nevad.html#more)

At the outset, we wish to make clear what the inquiry we are requesting is **not** intended to accomplish. We are not seeking to challenge the outcome of the Caucuses at the precinct level.

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Nor is it our intention to question the extraordinary efforts devoted by the NSDP to the organization and conduct of the Caucus, including the contribution its leadership made to resolve the high volume of questions and problems that exploded during the caucusing. Indeed, the Party responded promptly and effectively to the frontal attack on the Caucus in the form of an eleventh hour legal action by Senator Clinton's allies, intended to shut down voting locations or to put into question the legitimacy of the process.

The question raised here about activities on Caucus Day concerns solely the tactics employed by one campaign and their effects—their intended and actual effects—on the participation of voters supporting other candidates. Participation is a principle second to none in importance to the Democratic Party, emphasized throughout the national party's rules, as well those of the Nevada party.

### **Nature of Suppressive and Other Improper Activity**

We have attempted to sort through the range of reports received, and while our own review has not been completed in the short time since the conclusion of the Caucus, we suggest that the evidence supports an inquiry focused on the following:

#### *Door closings*

As you know, and as their own training materials confirm, the Clinton campaign informed its precinct captains that the doors should close—and registration should end—at 11:30 am. This is, of course, false: the rules could not be clearer that any voter wishing to participate would until 12:00 pm take his or her place in line. What the rules clearly specify is repeated, with equal clarity, in the party's own Guide to the Caucuses.

It seems inconceivable that a well-financed and nationally organized campaign, stressing a platform of competence and experience, could have inadvertently misunderstood a rule of first importance to the Caucus. It is a rule governing participation and intended to encourage it. Any preparation for the Caucus would have included careful attention to any such rules of eligibility.

Yet the Manual put out by the Clinton campaign stated a false statement of the "closed door" rules.

Voters have given these reports, which are representative of others received like them:

- *"It happened at my caucus site and it happened, apparently, at every caucus site in Southern Nevada, as I spoke to dozens of Barack volunteers from other caucus sites who all said the same thing. At 11:30, the Hillary supporters were clamoring to have the doors closed, saying that the caucus was supposed to start at 11:30 and the doors should be closed immediately. The theory was that if a number of different people asked the caucus chair to close the doors at 11:30, some caucus chairs might believe that 11:30 was indeed the official door-closing time and would close the doors. This appeared to be the case and a number of caucus locations across the Vegas area, from my own first-hand (random but small) sample.*

*Apparently, Hillary's strategy was to tell her supporters to get there early, and have the doors close 30 minutes prior to their prescribed time, thereby shutting out some Barack supporters who might be a little late."*

- *"Those Hillary people...closed the doors on our people and we had to call the cops in some precincts to have locks cut from doors, [they] slipped people in the back doors, they sent people home at 11:30 when it was illegal to prevent people from voting before noon."*
- *"Issue one was when the temporary chairman locked the doors at 1:30 preventing at least two caucus participants at 11:34 and 11:40 from entering. He stated that the rules were to close the doors at 11:30. Immediately stated that I was informed that the doors were to close at 12:00 but was rebuffed."*
- *"The Precinct 16 Caucus Chair...ordered the doors locked at 11:30 am. not 12 noon. I objected and called the hotline, and [the Chair] relented, but not before many voters were prevented from entering."*

#### *Obstructing Voter Access*

Voters have given these reports, which are representative of others received like them:

- *"While my precinct ran well due to the fact that we had only 24 caucus members present, there was mass confusion in the five other larger precincts at the same site. Obama people were being told my Clinton supporters that they could not register because the sign-in sheet was only for Clinton voters."*
- *"In Precinct 21, a Democratic worker ...(who was clearly for Hillary) refused to*

*register Obama supporters and said she was only registering Hillary supporters.”*

- *“Someone told Obama supporters they had to wait until 11:30 to enter because Republicans were voting. (A Clinton supporter in front of the School.) There were many Clinton supporters telling Obama supporters to leave. A Clinton supporter took our bottles of water, and then tried to take our box containing precinct packet and voter registration forms. I had to run her down in the crowd. By the time I located her (with help) she had thrown things out, but kept the water bottles in her large bag.”*
- *“Almost immediately, I was told by a couple of other Obama precinct leaders, whose names I don't know, that the Hillary people were turning our supporters away, by asking to see their ID's and telling them they weren't valid.”*

#### *Improper Handling of Voter Preference Cards*

Voters have given these reports, which are representative of others received like them:

- *“The next controversial issue involved the voter cards disappearing into the Clinton camp, so that the Edwards and Obama people were left with no cards. When we asked them to give us back some cards, we then noticed that they had all been pre-marked for Clinton.”*
- *“We circled Obama and were given a small slip of paper with our names and no voting ballot. We were told they were out of ballots. How convenient. It wasn't until later than I realized the Hillary group had ballots.”*
- *“I personally observed one of Hillary's precinct captains taking up the ballot of the voter before the caucusing started. When the delegates were moved to the other side of the room she could not find all of the people that she took their ballots she then put them in her purse, further another one of Hillary supporter collected ballots as well and she had a ballot where some one was voting for Obama she fold it up in her hand. I call her on this matter she stated that she could not find the person that it belong to.”*

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### **Process for Conducting Review**

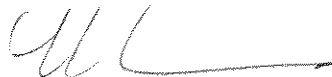
This is a smattering of the reports we have received. Emerging from them is a disturbing picture of rules violations, discriminatory treatment of voters, bullying and disrespectful behavior toward those from other campaigns, the mishandling of preference cards, and failure to follow the process specified under the rules for the conduct of the vote count.

To support the inquiry that we are asking that you conduct, we will provide them these reports, unedited or redacted, to the Party, subject to an agreement protecting the privacy of voters who have given these accounts. We are confident, however, that with the benefit of these protections, these voters, if asked, will give their first-hand recollections directly to party counsel and representatives.

We would ask that this process be expedited. It is crucial that the Party enforce its rules. And, in the interests of all voters, any and all questions about misconduct at the Caucuses should be conclusively and clearly addressed so that what seems to have occurred in Nevada on January 19 will not be repeated.

We stand ready to support and cooperate in this inquiry, and hope and expect that the same support and cooperation will be forthcoming from the Clinton campaign and any and all others with relevant information.

Very truly yours,



Robert F. Bauer  
General Counsel, Obama for America

## What Happened in Iowa?

Speak up, don't be afraid to ask questions.

Temporary chairs are doing this for the first time. Don't try to offend them, but remember that this is their first time too.

It's not illegal unless they tell you so.

Energy is very important. Cheer, yell, speak up for Hillary.

Engage every supporter. Talk to them, find a role for them. Every supporter is a volunteer on caucus day.

Be aware of what's going on with other groups of supporters.

Encourage people to check over caucus math. Recruit help with all aspects of caucusing.

Don't be afraid to go negative on other candidates.

Make sure you have enough supplies for outside viability. GET CREATIVE!!

Talk to staffers in room, ask them questions.

Try to exploit the fact that the culinary union supported Obama over Edwards... target Edwards people.

If people are in our corner, collect preference cards. Get people to fill them out RIGHT AWAY.

Go after people when they come in, persuade, greet, encourage.

★ DON'T FORGET TO COUNT YOURSELVES

CALL AFTER 1ST ALIGNMENT