

Bryan Longworth

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Gentleman,

1/5/2009

I am appealing your December 9, 2008 ruling that I am "not a duty-qualified candidate for the State Committeeman position. Specifically, the Republican Party has no record that you filed a Party Loyalty Oath with the Chairman of the St Lucie County Republican Executive Committee by the deadline of June 20, 2008."

The RPOF rules in effect during this election cycle clearly specify requirements that electors must meet to seek office as a precinct committeeman or state committeeman. Rules 5F (Addendum 2) and 11B (Addendum 3) respectively, clearly specify that electors seeking to qualify as precinct (5F) or state committeeman or committeewoman (11B) do so with the supervisor of elections. Florida Statutes (section 99.02 1) (In Addendum 6) only require the filing of the Candidate's Loyalty Oath with the supervisor of elections to qualify. The language of Rules 9 (Addendum 1) and 11A (3) (Addendum 4) requires the execution of the RPOF Loyalty Oath before assuming the offices but not to qualify as candidates. Copies of my State Committeeman Loyalty Oath filed with the Supervisor of Elections June 19, 2008 and my RPOF Loyalty Oath filed with the St. Lucie County REC Chair September 2008 are attached. (Addendums 9 & 10)

RPOF Chairman's June 12, 2008 memo (Addendum 8) unilaterally established the June 20, 2008 deadline by combining these distinct rules that specifically pertain to pre-primary filing and post election qualification. This was tantamount to a rules change, which under FS103.121 (1)(a)2 (Addendum 7) must be made by a majority vote of the entire State Committee. The memo also contradicts Article VI, Section 5 of the RPOF Constitution (Addendum 5) which specifies that rules changes must be made by the Executive Board and subject to change or deletion by the full committee.

A court case similar to mine has already been argued. In PHIL DAVIS, et al, Plaintiffs, vs. REPUBLICAN PARTY OF MIAMI-DADE COUNTY, Defendant (Addendum 6), the court granted an injunction on behalf of precinct committee members who had been disqualified for the identical reason as me. As the basis for its ruling, the court found:

17. In enacting section 99.02 1, the Florida Legislature made clear that the loyalty oath contained therein was the only oath that could be required of a candidate for county executive committee person as a condition for qualifying as a candidate.

18. The Party Loyalty Oath required by the Defendant may not be used as a condition for qualification as a candidate or as a condition for being seated on a member of the Miami-Dade County Executive Committee.

19. The Plaintiffs were duly elected to the Miami-Dade County Executive Committee at the August 26, 2008 election and are entitled to be seated at the organizational meeting of the Executive Committee and to exercise all powers and authorities of their offices.

Even if the June 20 deadline had been legally enacted there was insufficient notification to implement it. To my knowledge, neither the RPOF nor the St. Lucie County REC made any effort to notify potential candidates for committeemen/women positions other than to notify current state and precinct committeemen/women of the "new requirement." I didn't receive a copy of Chairman Greer's Memo until September's St. Lucie County REC meeting. Every Republican voter in Florida was entitled to file for a party office in the primary. Only party insiders were notified of the "new requirement." And even if the RPOF had notified every potential candidate of the "new requirement," eight days prior notice was clearly inadequate notification of said requirement.

I must insist that you follow the Florida Statute, the RPOF Constitution and RPOF Rules that were in effect this past election cycle and seat me as of the December 1, 2008 starting date of my term of office. Please also be advised that I have contacted Attorney Frank Zilaitis and am prepared to engage in a class action lawsuit against the RPOF, the RPOF Chairman, and RPOF Credentials Committee if you decide contrary to the provisions of those statutes and rules.

Thank you,



Bryan Longworth

Addendum 1

RPOF Rule 9 - Party Loyalty Oath

Members of all political party committees, and the National Committeeman and Committeewoman, shall before taking office, establish by written oath or affirmation that during their term of office they will not actively, publicly, or financially support the election of any candidate other than the Republican candidate in a partisan unitary, general or special election, or a Registered Republican in non-partisan elections, other than Judicial races governed under Florida Statute 105, if there is a registered Republican running for the same office.

Members shall file their oath with the Chairman of the County Executive Committee and the County Chairman or his designee shall forward the signed oath to the State Chairman. The oath or affirmation may be witnessed rather than notarized.

Addendum 2

Rule 5F Precinct Committeeman/woman Qualification Requirements

Electors seeking to qualify for such office shall do so with the Supervisor of Elections in their county not earlier than noon of the 71st day or later than noon of the 67th day preceding the first primary of the Presidential election.

Addendum 3

RPOF Rule 11B - State Committeeman/woman Qualification Requirements

Electors seeking to qualify for such office of state committeeman or state committeewoman shall do so with the Supervisor of Elections no earlier than noon of the 71st day or later than noon of the 67th day preceding the first primary of the Presidential election year.

Addendum 4

RPOF Rule 11 A3 - Election of State Committeemen and Women; Role and Responsibilities.

Sign and abide by the required loyalty oath that is prescribed by the State Party.

Addendum 5

RPOF Constitution, Article VI, Section 5 - Party Rules

The Executive Board shall be responsible for adopting all Party Rules that affect the operations of the Republican Party of Florida. All such rules shall be announced to the State Committee at the next regular or special meeting of the State Committee and shall be subject to change or deletion by the full Committee.

Addendum 7

Florida Statute 103.121 Powers and duties of executive committees.

(1)(a) Each state and county executive committee of a political party shall have the power and duty:

- 1. To adopt a constitution by two-thirds vote of the full committee.**
- 2. To adopt such bylaws as it may deem necessary by majority vote of the full committee.**

Addendum 8

To: RPOF State Committee Members
From: James A. Greer, Chairman
Subject: Election and Party Oath Procedures
Date: June 12, 2008

As each of you is aware, there has been much discussion regarding when, and with whom the party loyalty oath should be filed and the process for filing for election as Precinct, District, and State Committeeperson.

In addition, there has recently been new information provided by the Division of Elections along with other relevant facts which requires me to clarify the process and ensure that the integrity and organizational structure of our local RECs are maintained in accordance with our party's constitution and rules.

Therefore, after additional consultation with our party's General Counsel and after personally reviewing our party's rules and regulations, I have concluded the following:

1. Based on our party's governing documents, including Rules 5, 8, 9 and 11, the party, in its sole discretion, has the authority to govern its membership and all internal matters. This includes determining eligibility and qualification requirements for all party offices.
2. Republican Party of Florida Rule 9 states that the newly approved party loyalty oath that was adopted at the February 2008 Annual meeting must be signed and filed with the local REC County Chairman. As a result, anyone running for State, District or Precinct Committeeperson must file the party loyalty oath no later than noon on Friday, June 20, 2008 in order to be considered properly qualified under party rules to seek or hold such office.
3. County Chairs shall have thirty days upon receipt to forward copies of such oath to the State Party.
4. In addition to the Party Loyalty oath and pursuant to Florida Statutes 99.021 and 99.061, anyone running for party office must also file between noon on Monday, June 16, 2008, and noon on Friday, June 20, 2008, the necessary Oath of Candidate qualification form with the local Supervisor of Elections. Depending on the office sought the forms are DS-DE 24C (Precinct), DS-DE24D (District) and DS-DE24E (State).
5. Local County REC Chairs shall monitor and advise the State Party of any persons who have filed to run for a party office with the local Supervisor of Elections but have failed to file a properly executed party loyalty oath with the local County Chair.
6. Basically, the Supervisor of Elections conducts party office elections as a "vendor" to the party and has no jurisdiction relating to a person's qualification to hold party office as it relates to the Party Loyalty Oath. As a result, any person filing the necessary paperwork to comply with Florida Statutes 99.012 and 99.061 may be placed on the ballot by the Supervisor of Elections. However, placement on the ballot alone or subsequent election does not constitute qualification for party office under the Rules of the Republican Party.

It is solely within the party's discretion and authority to determine whether a person has met The Republican Party of Florida's requirements to hold party office. Therefore, any person who fails to provide the county REC Chairman a properly executed party loyalty oath by noon on Friday, June 20, 2008 shall be ineligible to hold party office resulting from elections conducted on August 26, 2008.

Together Republican Party of Florida Rule 11 and Florida Statute 103.091 provide that State Committeemen and

State Committeewomen are members of their local Republican executive committee and must maintain a status as a “member in good standing.” This rule does not apply to persons seeking election to such an office, but is a requirement for persons holding such office.

The Party will provide assistance to all State Committee Members to ensure appropriate filings are made for election and re-election.

This memorandum dated this Wednesday, June 11, 2008 shall supersede all previous communications relating to this matter and shall be final. As Chairman, it is my fiduciary responsibility to ensure that our party remains strong, unified and that our procedures are met.

Finally, I shall ask the Executive Board to affirm this decision and consider adopting this procedure at our next regularly scheduled meeting in August. However until such time, this procedure shall have full force and effect and all requirements set forth will be enforced.

Addendum 9

LOYALTY OATH FOR STATE COMMITTEEMEN AND COMMITTEEWOMEN

(Sections 876.05 - 876.10, Florida Statutes)

OFFICE USE ONLY

STATE OF FLORIDA

St. Lucie, COUNTY

I, Bryan H Longworth

a citizen of the State of Florida and of the United States of America, ... and a candidate for political party office... do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

OATH OF CANDIDATE (Section 99.021, Florida Statutes)

I, Bryan Longworth

(PLEASE PRINT NAME AS YOU WISH IT TO APPEAR ON THE BALLOT - NAME MAY NOT BE CHANGED AFTER THE END OF QUALIFYING)

am a candidate for the office of State [X] Committeeman [] Committeewoman.

I am a qualified elector of St. Lucie County, Florida. I am qualified under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected.

STATEMENT OF PARTY (Section 99.021, Florida Statutes)

I am a member of the Republican party. I am not a registered member of any other political party and have not been a candidate for nomination for any other political party for a period of 6 months preceding the general election for which I seek to qualify. I have paid the assessment levied against me, if any, as a candidate for said office by the executive committee of the political party, of which I am a member.

X [Signature] (772) 466-9246 longworthb@bellsouth.net

Signature of Candidate Daytime Telephone Number Email Address

5806 Raintree Tr. Ft. Pierce FL 34982

Address City State ZIP Code

Sworn to (or affirmed) and subscribed before me this 19th day of June, 2008.

Personally Known: _____ or

Produced Identification: [X]

Type of Identification Produced:

DL # L526-068-68-418-0

[Signature of Sherry S. Eichin] Signature of Notary Public - State of Florida Print, Type or Stamp Commissioned Name of Notary Public



Sherry S. Eichin Commission # DD402658 Expires April 24, 2009 Bonded Troy Fain - Insurance, Inc. 800-385-7019

Party Loyalty Oath



I, Bryan Longworth hereby swear and affirm that during my term of office I will not actively, publicly, or financially support the election of any candidate other than the Republican candidate in a partisan unitary, general or special election, or a Registered Republican in non-partisan elections, other than Judicial races governed under Florida Statute 105, if there is a registered Republican running for the same office, unless the county executive committee has taken an affirmative vote to endorse one Republican over another per Rule 8(B). I further swear and affirm that I will not engage in activities or conduct that may be deemed by the Grievance Committee and affirmed by the RPOF Chairman as likely to injure the name of the Republican Party or interfere with the activities of the Republican Party.

Precinct #12

SIGNATURE: *[Signature]*
 Bryan Longworth

DATE: 9/6/2008

WITNESSED BY: *[Signature]*
 Michael J. McKeever

Republican Party of Florida

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ORDER

IN THE ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY,
FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 08-072577 CA-24

2008 DEC 11 AM 11:02
ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLA.
CIVIL 2710

PHIL DAVIS, et al,

Plaintiffs,

vs.

REPUBLICAN PARTY OF MIAMI-DADE
COUNTY,

Defendant.

Defendant.

**ORDER GRANTING EMERGENCY
MOTION FOR TEMPORARY
INJUNCTION**

THIS CAUSE coming on the motion of Plaintiffs for an Emergency Motion for Temporary Injunction, and the Court, having heard evidence, stipulations of the parties, and argument of counsel on December 10, 2008, and being otherwise fully informed in the facts, it is thereupon,

ORDERED AND ADJUDGED that the motion is hereby GRANTED and the Court makes the following findings of fact and conclusions of law as set forth below.

FINDINGS OF FACT

1. Qualifying for the position of Miami-Dade County Republican Party Executive Committee was conducted between noon, on Monday, June 16, 2008 and noon, on Friday June 20, 2008.

2. Each of the 19 Plaintiffs filed the necessary paperwork with the office of Miami-Dade County Supervisor of Elections during that qualifying period.

3. Ms. Mary Ellen Miller conducted a meeting of the Miami-Dade County Republican Party Executive Committee on May 22, 2008 where the Republican Party of Florida's new Party Loyalty Oath requirement was discussed. Prior to the meeting Ms. Miller, having been orally advised by the Republican Party of Florida of new requirements regarding the New Oath, sent out an Amended Agenda advising of the New Oath, and of the requirement that it be filed with her by noon on June 20, 2008.

4. On or about June 12, 2008, Republican Party of Florida Chairman Jim Greer issued a memorandum to the Chairpersons of the 67 Florida County Republican Executive Committee notifying them of the decision described above, to wit, that the party was now requiring the execution of the New Oath and that the signed New Oath had to be delivered to the County Republican Party offices before the end of the qualifying period as a condition of candidacy.

5. The June 12, 2008 memorandum was not posted on the Defendant's website or circulated to the registered Republicans in the County. The Miami-Dade County Republican Party Executive Committee did not publicize the policy concerning the new Party Loyalty on its website nor did it give notice to the County's registered Republicans by mail. Defendant contends that such a mailing would have been cost prohibitive, because there are hundreds of thousands of registered Republicans in Miami-Dade County, and further contends that it had no way of knowing who among the County's Republicans intended to stand as candidates for the County Executive Committee.

6. The Miami-Dade County Republican Party Executive Committee did send letters to then existing members of the Committee, and all Republican elected officials, notifying them

of the new Party Loyalty Oath requirement and, as noted above, did provide notice of the new requirement in an Amended Agenda for the May 22, 2008 regularly-scheduled meeting of the County Executive Committee.

7. All of the Plaintiffs had their qualifying paperwork filed on the morning of June 20, 2008 with the Miami-Dade County Elections Department by Xavier Suarez.

8. During past election cycles, the Defendant required all winning candidates to execute the loyalty oath at the time they were sworn into office.

9. After learning that the Defendant was requiring the new Party Loyalty Oath, each of the Plaintiffs executed the oath and submitted it to the Party and have expressed a willingness to execute it once again, if required by the Party.

10. On or after August 8, 2008, Ms. Miller sent the Plaintiffs each a form letter telling them that, since they did not timely file the new Party Loyalty Oath at the offices of the Defendant, they were not "eligible" to serve as members of the County Executive Committee.

11. The voters in the August 26, 2008 election were instructed to vote for two candidates for Executive Committeeman and Executive Committeewoman.

12. On August 26, 2008 all of the Plaintiffs received either the highest or second highest number of votes in the Plaintiffs' districts.

13. Each of the Plaintiffs received a Certificate of Election from Lester Sola, the Miami-Dade County Supervisor of Elections, informing them that they had been elected to the offices they has qualified for. Said certificates, however, are marked with an asterisk and contains the following note: "*This certification is subject to rules and final approval as provided by your respective party.*"

14. Defendant has scheduled the organizational meeting of the Miami-Dade County Republican Party Executive Committee for the evening of December 10, 2008.

CONCLUSIONS OF LAW

15. The Court concludes that the Plaintiffs have established each of the factors necessary for the entry of a temporary injunction: (1) that irreparable injury will result if the injunction is not granted; (2) that there is no adequate remedy at law; (3) the party requesting the relief has a clear legal right to it or can demonstrate a likelihood of success on the merits; and (4) the public interest will be served by the entry of the temporary injunction.

16. Section 99.021 specifies what kind of oath may be required for a candidate and states, in relevant part:

99.021 Form of candidate oath.--

(1)(a)1. Each candidate, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, in order to qualify for nomination or election to any office other than a judicial office as defined in chapter 105 or a federal office, shall take and subscribe to an oath or affirmation in writing. A printed copy of the oath or affirmation shall be furnished to the candidate by the officer before whom such candidate seeks to qualify and shall be substantially in the following form:

State of Florida

County of _____

Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot) _____, to me well known, who, being sworn, says that he or she is a candidate for the office of _____; that he or she is a qualified elector of _____ County, Florida; that he or she is qualified under the Constitution and the laws of Florida to hold the office to which he or she desires to be nominated or elected; that he or she has taken the oath required by ss. 876.05-876.10, Florida Statutes; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that

of the office he or she seeks; and that he or she has resigned from any office from which he or she is required to resign pursuant to s. 99.012, Florida Statutes.

(Signature of candidate)

(Address)

Sworn to and subscribed before me this ____ day of _____,
(year) , at _____ County, Florida.

(Signature and title of officer administering oath)

...

(2) The provisions of subsection (1) relating to the oath required of candidates, and the form of oath prescribed, shall apply with equal force and effect to, and shall be the oath required of, a candidate for election to a political party executive committee office, as provided by law. The requirements set forth in this section shall also apply to any person filling a vacancy on a political party executive committee.

(Emphasis supplied.)

17. In enacting section 99.021, the Florida Legislature made clear that the loyalty oath contained therein was the only oath that could be required of a candidate for county executive committee person as a condition for qualifying as a candidate.

18. The Party Loyalty Oath required by the Defendant may not be used as a condition for qualification as a candidate or as a condition for being seated on a member of the Miami-Dade County Executive Committee.

19. The Plaintiffs were duly elected to the Miami-Dade County Executive Committee at the August 26, 2008 election and are entitled to be seated at the organizational meeting of the Executive Committee and to exercise all powers and authorities of their offices.

ORDER

Based upon the foregoing findings of fact and conclusions of law, the Court determines that the Plaintiffs are entitled to a temporary injunction in this matter on the following terms and conditions:

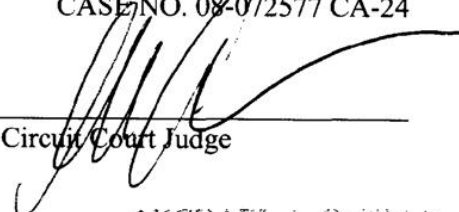
a. Pending the entry of final judgment in this action, Defendant is directed to install Plaintiffs PHIL DAVIS, WILLIAM THOMAS SANDERS, RUBEN AVILA, PATRICK C. KELLY, JOSE ALONSO, GERARDO BARRIOS, CARMEN DIAZ, MICHAEL SUAREZ, JORGE ALVAREZ, OLGA VIEIRA, LUIS ACOSTA, WHILMER BERMUDEZ, MARGARITA ALONSO, KATRINA ALVAREZ, ANTHONY CHOA, THERESA MIGNONE, CAROLINA SUAREZ, JOSE ("CHAMBY") CAMPOS and RAFAEL SUAREZ as members of the Miami-Dade County Republican Executive Committee at its organizational meeting presently set for the evening of December 10, 2008, or at such other time at which the organizational meeting may be held;

b. Defendant is directed to permit the Plaintiffs to exercise all powers and authorities of members of the Miami-Dade County Republican Party Executive Committee until such time as this court enters final judgment; and

c. Bond in the amount of \$2,500 shall be required by the Plaintiffs to secure Defendant in the event that it incurs damages and costs as the result of the imposition of this temporary injunction.

DONE AND ORDERED in Chambers in Miami-Dade County, Florida, this ___ day of December, 2008.

*Phil Davis, et al. v. Republican Party
of Miami-Dade County*
CASE NO. 08-072577 CA-24



Circuit Court Judge

**MICHAEL A. GRAHAM
CIRCUIT JUDGE**

Copies furnished to:

Jefferson P. Knight, Esq.
Stephen M. Cody, Esq.