

IN THE CIRCUIT COURT OF FLORIDA, SECOND CIRCUIT, IN AND
FOR LEON COUNTY, FLORIDA

FRANK BACH, individually, and
GEORGE BROWN, individually,
Plaintiffs

v.

FLORIDA DEMOCRATIC PARTY,
DEMOCRATIC NATIONAL COMMITTEE,
BERNIE SANDERS and FLORIDA
SECRETARY OF STATE LAUREL LEE,
Defendants

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs Frank Bach and George Brown sue
Defendants Florida Democratic Party, Democratic
National Committee, Bernie Sanders and Florida
Secretary of State Laurel Lee and allege as follows:

Jurisdiction and Venue

1. This is an action for declaratory relief
pursuant to Chapter 86, Florida Statutes and for
injunctive relief pursuant to Florida law, all within
the jurisdiction of this Court. Under Florida law,
actions against a Constitutional Officer or government
agency headquartered in Leon County must be pursued in
Leon County, Florida.

2. Each of the Plaintiffs is a Florida citizen and
resident, pays Florida taxes and is registered to vote
in the upcoming Presidential Preference Primary as a
Democrat.

3. Defendants Florida Democratic Party and Democratic National Committee are the state and national political official Democratic Party organizations.

4. Defendant Bernie Sanders [Sanders] is a Vermont resident and citizen currently serving as one of Vermont's two United States Senators; as a Senator, Defendant Sanders identifies himself as an Independent, not a Democrat.

5. Defendant Florida Secretary of State Laurel Lee [Secretary Lee] is the current Florida Constitutional Officer with responsibility to see that Florida election laws are complied with, including those relating to the upcoming Florida Presidential Preference Primary set for March 17, 2020. Secretary Lee and the Florida Department of State over which she presides are headquartered in Leon County, Florida.

Background

6. Florida's Legislature has adopted statutes relating to the handling of various elections, including the so-called Presidential Preference Primaries used by certain political parties to allocate delegates to the political conventions at which the parties will nominate their presidential candidates.

7. This year, the Presidential Preference Primary at which candidates can campaign for, and receive votes to be used in allocating delegates for the Democratic Convention in July is set for March 17, 2020. [The traditional primary election is set for August 18, 2020].

8. Because of the early date for this year's Presidential Preference Primary, Secretary Lee certified the final list of persons for the March 17 Presidential Preference Primary in mid-December, 2019, which allows the results of that primary to be timely

considered at the Democratic Convention in July. [The qualifying dates for other offices are later, with those running for Congress, State Attorney, Public Defender and Judicial Officers required to qualify between April 20 and April 24, those running for state senate or representative and multi-county special districts must qualify between June 8 and June 12, and write-in candidates for President and Vice President (i.e., those not involved in the partisan March 17 Presidential Preference Primary) must qualify between June 23 and June 30].

Issue Here

9. Under Florida law, one who is affiliated with a political party may seek election as a nominee of a political party, and may properly participate in the March 17, 2020 Presidential Preference Primary.

10. Under Florida law, a person who is an official Independent, such as Defendant Sanders, can run for president as an Independent.

11. Florida law, and the Rule of Law, matter.

12. As registered Democrats, Plaintiffs Bach and Brown plan to participate in the Democratic Presidential Preference Primary, but are concerned that the inclusion on that ballot of Independent Sanders will adversely affect their right to have the Democratic Presidential Preference Primary limited to those who are, in fact, Democrats.

13. Florida law is a closed primary; those not registered as a member of a particular party are simply not allowed to vote in a primary for that party. [Stated as pertinent here, those not registered as Democrats may not vote in the March 17 Democratic Presidential Preference Primary].

14. Defendant Sanders is clearly an Independent, and is clearly not a Democrat, by his own definitions. His current "day job" is as a United States Senator and he has consistently, proudly asserted his service in that role as Independent; he is one of two Independents identified as serving in the Senate.

15. Research indicates that Defendant Sanders continues to raise money for his next Senate campaign as an Independent, while simultaneously raising money to become the nominee of the Democratic Party.

16. Defendant Sanders' Federal Election Commission filings show he raised more than \$900,000.00 since January 1, 2019 as an Independent running for reelection to the Senate in 2024 [Exhibit A, attached].

17. Concurrently, Defendant Sanders' Federal Election Commission filings show he raised more than \$134,000.00 since January 2017 [Exhibit B, attached].

18. Just as those not properly and timely registered as Florida Democrats are not eligible to vote in the March 17, Presidential Preference Primary, there is no basis in Florida law for an Independent such as Defendant Sanders to properly participate as a candidate in the March 17 Democratic Presidential Preference Primary, when he is and has been for the last several years been an Independent.

Relief Sought

19. In this day and age of increasing disregard for the law, it is essential that the Plaintiffs' right to vote and select from true Democrats in the March 17 Democratic Presidential Preference Primary without dilution of the effect of their votes by Defendant Sanders' Independent participation in that closed-to-all-except Democrats Primary.

20. Many Florida Supervisors of Elections have mailed to registered Democrats their ballots already; indeed, by some reports, more than 500,000 voters have mailed in their March 17 Presidential Preference Primary.

21. The only fair and equitable way for the Plaintiffs' and others to not have their voting rights to select among Democrats is for the Court to recognize Defendant Sanders for the Independent/ non-Democrat he is, disqualifying him from participation in the March 17 Democratic Presidential Preference Primary, and to enjoin Secretary Lee from certifying any votes for Defendant Sanders and to enjoin the Democratic Party Defendants from awarding Defendant Sanders any delegates from the March 17 Democratic Presidential Preference Primary.

22. The granting of this relief will not preclude Defendant Sanders from running for President as the Independent he is; similarly, if Defendant Sanders really wanted to run in the March 17 Democratic Presidential Preference Primary, all he had to do - prior to the mid-December certification deadline - was change his affiliation in the United States Senate, something he did not do.

23. Defendant Sanders should not be allowed to ignore the laws of Florida.

24. Whether the Party Defendants and Secretary Lee were not aware of Defendant Sanders' true status as an Independent [and not a Democrat] is irrelevant.

25. The Plaintiffs have the right to cast their March 17 Democratic Presidential Preference Primary votes for those who are really Democrats, not Independents, and are entitled to this Court's protection of their right to vote for a Democrat, with the results not diluted by Defendant Sanders' unlawful

participation as an Independent interloping improperly in the March 17 Democratic Presidential Preference Primary.

WHEREFORE Plaintiffs respectfully request the Court to declare Defendant Sanders to be an Independent, and disqualify him from participation in the March 17 Democratic Preference Primary. Further, Plaintiffs request the Court to enjoin Secretary Lee from certifying votes in the March 17 Democratic Presidential Preference Primary for Independent Sanders, and request the Court to prohibit the Democratic Party Defendants from including any votes from the March 17 Democratic Presidential Primary in awarding delegates to Defendant Sanders or otherwise including him for consideration as a Democrat at the upcoming convention, and such further relief as the Court deems appropriate.



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Certificate of Service

I hereby certify that at the time this complaint is being efiled through the Florida Efiling Portal, a copy of the complaint is being sent electronically to Defendant Florida Democratic Party at FDPinfo@fladems.com, to Defendant National Democratic

Committee at democraticparty@democrats.org, to
Defendant Sanders at the address on file with the
Florida Department of State info@flda.state.fl.us and
to Secretary Lee at Secretary@FLA.gov.

_____/s/_____
Karen Gievers

SANDERS, BERNARD

CANDIDATE FOR SENATE

VERMONT

ID: S4VT00033

INDEPENDENT

Financial summary

ELECTION

2024

TIME PERIOD

All years: 2019-2024

2019-2020

2021-2022

2023-2024

Data is included from these committees:

- [FRIENDS OF BERNIE SANDERS \(C00411330\)](#)

EXHIBIT A

Total raised

[Browse receipts](#)

Coverage dates: 01/01/2019 to 12/31/2019

TOTAL RECEIPTS	\$912,557.08
TOTAL CONTRIBUTIONS	\$829,304.39
Total individual contributions	\$824,304.39
<i>Itemized individual contributions</i>	<u>\$95,090.68</u>
<i>Unitemized individual contributions</i>	\$729,213.71
Party committee contributions	<u>\$0.00</u>
Other committee contributions	<u>\$5,000.00</u>
Candidate contributions	<u>\$0.00</u>
TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	<u>\$0.00</u>
TOTAL LOANS RECEIVED	\$0.00
Loans made by candidate	<u>\$0.00</u>
Other loans	<u>\$0.00</u>
OFFSETS TO OPERATING EXPENDITURES	<u>\$10,134.75</u>
OTHER RECEIPTS	<u>\$73,117.94</u>

Newly filed summary data may not appear for up to 48 hours.

Total spent

[Browse disbursements](#)

Coverage dates: 01/01/2019 to 12/31/2019

TOTAL DISBURSEMENTS	\$9,446,514.00
OPERATING EXPENDITURES	<u>\$1,336,987.00</u>
TRANSFERS TO OTHER AUTHORIZED COMMITTEES	<u>\$8,100,000.00</u>
TOTAL CONTRIBUTION REFUNDS	\$9,527.00
Individual refunds	<u>\$4,527.00</u>
Political party refunds	<u>\$0.00</u>
Other committee refunds	<u>\$5,000.00</u>
TOTAL LOAN REPAYMENTS	\$0.00
Candidate loan repayments	<u>\$0.00</u>
Other loan repayments	<u>\$0.00</u>
OTHER DISBURSEMENTS	<u>\$0.00</u>

Newly filed summary data may not appear for up to 48 hours.

Cash summary

Coverage dates: 01/01/2019 to 12/31/2019

ENDING CASH ON HAND	\$565,963.87
DEBTS/LOANS OWED TO COMMITTEE	\$0.00
DEBTS/LOANS OWED BY COMMITTEE	\$0.00

Newly filed summary data may not appear for up to 48 hours.

Home › Campaign finance data › Candidate profiles › SANDERS, BERNARD

SANDERS, BERNARD

CANDIDATE FOR PRESIDENT

ID: P60007168

DEMOCRATIC PARTY

Financial summary

ELECTION

2020

TIME PERIOD

All years: 2017-2020

2017-2018

2019-2020

Data is included from these committees:

- [BERNIE 2020 \(C00696948\)](#)
- [BERNIE 2016 \(C00577130\)](#)

EXHIBIT B

Total raised

[Browse receipts](#)

Coverage dates: 01/01/2017 to 01/31/2020

TOTAL RECEIPTS	\$134,268,972.81
TOTAL CONTRIBUTIONS	\$120,960,737.29
Total individual contributions	\$120,953,034.77
<i>Itemized individual contributions</i>	<u>\$47,008,925.00</u>
<i>Unitemized individual contributions</i>	\$73,944,110.00
Party committee contributions	<u>\$0.00</u>
Other committee contributions	<u>\$7,702.52</u>
Presidential public funds	\$0.00
Candidate contributions	<u>\$0.00</u>
TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	<u>\$12,701,500.00</u>
TOTAL LOANS RECEIVED	\$0.00
Loans made by candidate	<u>\$0.00</u>
Other loans	<u>\$0.00</u>
TOTAL OFFSETS TO EXPENDITURES	\$252,311.21
Offsets to operating expenditures	<u>\$252,311.21</u>
Fundraising offsets	<u>\$0.00</u>

Legal and accounting offsets

\$0.00**OTHER RECEIPTS****\$354,424.31**

Newly filed summary data may not appear for up to 48 hours.

Total spent

Browse disbursements

Coverage dates: 01/01/2017 to 01/31/2020

TOTAL DISBURSEMENTS	\$122,809,504.51
OPERATING EXPENDITURES	<u>\$116,850,412.74</u>
TRANSFERS TO OTHER	<u>\$4,601,500.00</u>
AUTHORIZED COMMITTEES	
FUNDRAISING	<u>\$0.00</u>
EXEMPT LEGAL AND ACCOUNTING	<u>\$0.00</u>
TOTAL LOAN REPAYMENTS MADE	\$0.00
Candidate loan repayments	<u>\$0.00</u>
Other loan repayments	<u>\$0.00</u>
TOTAL CONTRIBUTION REFUNDS	\$1,340,591.77
Individual refunds	<u>\$1,340,591.77</u>
Political party refunds	<u>\$0.00</u>
Other committee refunds	<u>\$0.00</u>
OTHER DISBURSEMENTS	<u>\$17,000.00</u>

Newly filed summary data may not appear for up to 48 hours.

Cash summary

Coverage dates: 01/01/2017 to 01/31/2020

ENDING CASH ON HAND	\$16,914,636.20
DEBTS/LOANS OWED TO COMMITTEE	\$0.00
DEBTS/LOANS OWED BY COMMITTEE	\$0.00

Newly filed summary data may not appear for up to 48 hours.