

NEBRASKA DELEGATE SELECTION PLAN

Compilation of Public Comments Received

Report of the Delegate Selection Plan Special Committee
to the State Executive Committee
May 1, 2023

Comment #1

Date Received: March 31, 2023

Method of Submission: NDP Website

Name: Dennis Grady

Comment: How can you get notified when training begins to become a delegate?

Response: Section VIII(C)(1) provides that well-publicized educational workshops will be conducted in each of Nebraska's three congressional districts beginning in September 2023. These workshops will be held in places that are easily accessible to persons with disabilities as well as online. The times, dates, and places of all education workshops will be effectively publicized by the NDP and prominently advertised on the NDP website & social media.

Recommended Changes to Plan: None

Comment #2

Date Received: April 3, 2023

Method of Submission: NDP Website

Name: Michael Ramos, Democrats Abroad

Comment: In the "Representational Goals" section of the Affirmative Action portion, please include "veterans and military family members" as among those of delegate candidates of diversity who have been historically underrepresented in the voting process and American political system. Eleven other Democrats state parties already include them.

Response: While Rule 7 of the Delegate Selection Rules for the Democratic National Convention provides that a state party may establish representational goals for additional groups, such as military veterans, the NDP has historically not done so for groups other than those specifically identified in the Delegate Selection Rules. As noted in the comment, a small minority of states currently set representational goals for military veterans.

Section VIII(C)(3) and Section VIII(F)(6) provide that as part of efforts to educate and publicize the delegate selection process, the NDP will work in conjunction with its Affiliated Policy Councils, which includes the NDP Veterans & Military Families Council.

Recommended Changes to Plan: None

Comment #3

Date Received: April 10, 2023

Method of Submission: NDP Website

Name: Kama Ogden

Comment: I feel that all Nebraskans deserve to be included in the Delegation Selection Process. Please work to help all our citizens have the opportunity to take part in our voting process. This is what is fair and just and required for a democratic society!

Response: In Section VII, the NDP reaffirmed its commitment to an open party and the intention of the Democratic Party to ensure a full opportunity for all minority group members to participate in the delegate selection process.

Recommended Changes to Plan: None

Comment #4

Date Received: April 11, 2023

Method of Submission: NDP Website

Name: Rachael Mager

Comment: I survived cancer during this pandemic and since being in remission I've caught a handful of colds, each time it developed into pneumonia and sometimes an infection. What someone can power through, takes me out and no one cares they have that capability. I'm usually the only one wearing a mask anywhere. Forcing people like me to spend more time with sick people is a death sentence. Please don't make my life any harder.

Response: The NDP has historically provided reasonable accommodations for individuals with disabilities who are unable to attend meetings in person due to their disability. It is unclear how such accommodations would apply to the national delegate selection process, and the NDP has requested guidance from the DNC Rules & Bylaws Committee on this issue.

Recommended Changes to Plan: None

Comment #5

Date Received: April 18, 2023

Method of Submission: NDP Website

Name: Edison McDonald

Comment: Dear Friends in the Nebraska Democratic Party,

As a former party official and a professional in the disability arena, I am writing to express my concerns about the lack of ADA (Americans with Disabilities Act) accommodations at meetings and in the Delegate Selection Plan. I write knowing you as people who not only want to hold to the letter of the law but take as many steps as possible to ensure an inclusive environment where all Democrats can participate. I know this is your intent but that there are numerous challenges to ensure this happens. Therefore, I'm asking for a change to make NDP events more accessible and to ask how I can help.

I know that many of our meetings and events are not fully accessible to individuals with disabilities. This has been the standard but it goes against the principles of inclusivity and equality that the Democratic Party stands for. It is crucial that all members of our party, regardless of their abilities, are able to fully participate in party activities, including meetings and events. I know costs can be prohibitive, finding good rural locations is difficult, and thinking through every possibility is impossible.

This is particularly relevant as you look at the Delegate Selection Plan. The Delegate Selection Plan is a critical document outlining not only our process as part of our National Convention but also it lays out how our values are shaped. In particular remote access is key. As the plan says "1. All public meetings at all levels of the NDP should be open to all members of the Democratic Party regardless of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, gender identity and expression, economic status, or disability (hereinafter collectively referred to as "status"). (Rule 4.B.1)" (and similar text in several other areas) but without remote access we are excluding many members of the Democratic Party.

I request the Nebraska Democratic Party take action to address these issues and ensure that all party activities, including meetings and events, are fully accessible to individuals with disabilities.

Thank you for your attention to this matter. I look forward to seeing concrete actions taken to improve ADA accommodations at meetings and in the Delegate Selection Plan of the Nebraska Democratic Party. Please let me know if I can help move this process forward.

Sincerely,
Edison McDonald
402-802-1109

Response: The NDP has historically provided reasonable accommodations for individuals with disabilities who are unable to attend meetings in person due to their disability. It is unclear how such accommodations would apply to the national delegate selection process, and the NDP has requested guidance from the DNC Rules & Bylaws Committee on this issue.

Regarding the specific request for remote access, Rule 2(G) of the Delegate Selection Rules for the Democratic National Convention appears to prohibit the casting of ballots over the Internet as a method of voting as part of the delegate selection process, with the exception of a state party-run process constituting the first determining stage in the presidential nominating process (i.e. primary or caucus).

It is important to note that while the 2020 and 2022 NDP State & County Conventions were held remotely, the actual election of district-level national delegates was in fact held using signed written ballots through the mail. The election of other national delegates only required a voice vote because all states amended their Delegate Selection Plans at the request of the Biden and Sanders campaigns to permit the presidential campaigns to approve only one candidate for each delegate position they were entitled to.

Recommended Changes to Plan: None

Comment #6

Date Received: April 18, 2023

Method of Submission: NDP Website

Name: Michelle Howell

Comment: It is 2023. We've been Zooming for 3 years now. Zoom is a safe way for people with autoimmune disorders to participate in the democratic process and is more convenient for people with mobility challenges. Why would NOT want to be as accessible and inclusive as possible? Barring remote participation is such a republican move.

Response: The NDP has historically provided reasonable accommodations for individuals with disabilities who are unable to attend meetings in person due to their disability. It is unclear how such accommodations would apply to the national delegate selection process, and the NDP has requested guidance from the DNC Rules & Bylaws Committee on this issue.

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Recommended Changes to Plan: None

Comment #7

Date Received: April 28, 2023

Method of Submission: NDP Website & Email

Name: Lacy Smith

Comment: A. Ablism and Disability Discrimination

1. Regulation 4.5 Rule 3 shows that his Rule was not intended to bar Disabled Nebraskans from attending virtually as a Delegate. Trevor Fitzgerald insists that it is the intent of the DNC to deny ADA remote access and all remote access other than Military via this Rule. I was the only person to contest this discrimination in the SEC meeting.
2. Denying remote access to all but the Military violates Rule 4.B.1 of the Delegate Selection Rules for the 2024 Democratic National Convention. Violates All of Rule 4. IT also Violates Section VII. A.1 of the Nebraska Delegate Selection Plan for the 2024 Democratic National Convention. It also Violates Rule 5.C.
3. Rule K. is aimed at preventing attempts at voter suppression, disenfranchisement, and to ensure an open and inclusive process. These Rules were not established to say that these same rights shouldn't exist in states with government run primaries. In Nebraska has chosen to deny SCC access remotely except for being forced to provide and ADA accommodation after months of toxic and in my opinion discriminatory behavior. Currently in Nebraska K.8.9. offer more rights than the NDP allows.
4. We several other states have ADA language that is much more inclusive. We need to be involving community and caucus stake holders and also need to be clear that we can't create a rule denying a specific accommodation. We have to assess the requested accommodation on an individual-by-individual basis. We also should not require proof of disability. I put a couple examples below that are currently in 2024 Delegate Selection Plans in other states.
 - a. The State Party will make accommodations to facilitate full participation by people with disabilities. All meetings and election facilities will fully comply with The Americans with Disabilities Act (ADA). Accommodations will include but will not be limited to service animals, parking, and mobility devices, and providing ways for hearing and visually impaired individuals to effectively communicate including American Sign Language (ASL) interpreters, video

captioning, remote access or other accommodations as requested.

b. The State Party will make accommodations to facilitate greater participation by people with disabilities. Every reasonable effort shall be made to ensure all Party events are fully accessible, including accessible parking, paths to meetings, rooms, and restrooms, and to grant requests for reasonable accommodations. Accessibility information shall be included on relevant event materials. Spaces shall be large enough to accommodate all interested persons, and at least one gender-neutral restroom shall be available, and clearly marked when necessary, at all Party events. Remote participation should also be made available.

c. Several states name the Disability Caucus & disability nonprofits and regulatory agencies working with the members of the Inclusion Committee in their plans.

5. Colorado has hybrid conventions and has the highest participation in the county. Several states specifically spell out that they offer remote ADA access in 2024 Delegate Selection Plan including neighboring states.

6. The NDP has already demonstrated that it can hold remote conventions for non-disabled Nebraskans in 2020-2022. In 2023 the NDP offered remote access for ADA.

7. The NDP does not have an ADA Procedure for assessing ADA requests. This inclusion committee appears to have the power to request funds, evaluate ADA request, and should have been over several elections creating policy to provide these protections. Yet it's been 33 years since the ADA was passed and the NDP has failed to create an ADA policy. Because of this they make sloppy mistakes, and I don't believe they are mistakes because they don't take accountability or try to correct them. I was subjected to an outright ADA denial with no interactive process, when I asked for an interactive process I no one followed up. Multiple members argued that the ADA did apply, and it took months including a Code of Conduct review that was mishandled given that I was not treated as was outlined under the Code Of Conduct procedure and a DOJ complaint for the NDP to agree that the ADA applied under Section iii. The NDP has yet to figure out that Section 508 Applies as well as local discrimination law in Lincoln and Omaha. I was told over and over that a Rule existed that did not exist and had such a rule existed the ADA is the mechanism to alter the Rule. I have also been subjected to ADA retaliation after filing my complaint. My election was ruled illegal and temporarily overturned. Every time I reach out for the Disability Caucus my own ADA/Disability is brought up by the NDP. I have multiple ADA requests that have gone unanswered. When others request ADA accommodations, they are accused of working with me and treated poorly even

if they don't know me.

I'm placing my ADA Discrimination Complaint at the bottom along with supporting information.

7. Including People with Disabilities in Your Political Campaign: A Guide for Campaign Staff Prepared by: The National Council on Independent Living (NCIL) is an excellent resource.

B. Secular Discrimination

Rule 4 An Open Party and Rule 5 Non-Discrimination of the 2024 Delegate Selection Rules for the Democratic National Convention provides status protections for religion. Despite these protections Secular Nebraska Democrats have been segregated from public meetings by creating separate prayer rooms and scheduling caucus meetings frequently at the same time and always at the same time as the interfaith caucus. Both caucus meetings should be attainable by both groups and could have some of the same membership easily. Secular Democrats and Secular issues belong in all areas of the Democratic Party. We are hurting our ability to organize as a large group to protect Secular institutions when Caucuses are segregated from working together. Having separate prayer rooms also appears to violate Rule 4.2. Failing to protect our members from discrimination fails to provide a safe and open party.

C. Provide Source Documents

We cannot properly evaluate this plan without copies of the source document that are not well outlined. Thankfully the DNC had the source documents, so I was able to evaluate this plan. The public should have access to these source documents as well. This is an omission that may be a violation of the review process.

D. Follow Federal Plain Language Guidelines.

I am sending a PDF because this form isn't big enough for my corrections to the form even.

Response: The NDP has historically provided reasonable accommodations for individuals with disabilities who are unable to attend meetings in person due to their disability. It is unclear how such accommodations would apply to the national delegate selection process, and the NDP has requested guidance from the DNC Rules & Bylaws Committee on this issue.

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selection process, with the exception of a state party-run process constituting the first determining stage in the presidential nominating process (i.e. primary or caucus).

It is important to note that while the 2020 and 2022 NDP State & County Conventions were held remotely, the actual election of district-level national delegates was in fact held using signed written ballots through the mail. The election of other national delegates only required a voice vote because all states amended their Delegate Selection Plans at the request of the Biden and Sanders campaigns to permit the presidential campaigns to approve only one candidate for each delegate position they were entitled to.

In addition to her submission via the NDP website, Ms. Smith submitted more than 103 pages of additional comments via email to the NDP Executive Director and NDP Rules Chair. These additional pages are not included in this attachment, but can be made available upon request.

The bulk of Ms. Smith's comments consist of a rehashing of complaints that she has filed against the NDP under the NDP Code of Conduct process. Each of these complaints has been reviewed by an ad hoc ethics committee as required under the Code of Conduct and dismissed as unsubstantiated.

Several pages of Ms. Smith's comments consist of various suggested grammatical and stylistic changes to the proposed Delegate Selection Plan. These suggested changes were not accepted, as the language in the Delegate Selection Plan that they would change is based on either the DNC Model Delegate Selection Plan or a previous year's NDP Delegate Selection Plan which had been approved by the DNC Rules & Bylaws Committee.

Recommended Changes to Plan: None

Comment #8

Date Received: April 29, 2023

Method of Submission: NDP Website

Name: Rachele Walter

Comment: I think there's a serious lack of accessibility here. Not just for those who are disabled, which is a much larger issue than what is being presented here, but it's also a lack of representation for those who are not able to travel because of financial reasons. I was chosen as a delegate in 2016 at the primary caucus, and had to decline because I could not afford to travel at the time.

Additionally, there is zero selection process for those who are non-religious, and seeing the overwhelming push toward white Christian nationalism in this country -- not having that representation (when 42% of registered Democrats self-identify as non-religious) is a problem. It's a very big problem that the DNC also needs to start addressing.

The largest group of non-religious voters are about to enter the political sphere. I have offered to give training to the party and candidates on how to reach out to secular voters and I have been ignored repeatedly.

The most important thing here is the lack of diversity in the people who will be able to attend. The majority of them will be disproportionately white, disproportionately older, disproportionately wealthy, disproportionately able-bodied, and disproportionately religious.

You cannot win elections if you are not listening to the "average" person in Nebraska. If you just listen to the same people over and over again, we are going to keep seeing the same results over and over again.

Response: The NDP has historically provided reasonable accommodations for individuals with disabilities who are unable to attend meetings in person due to their disability. It is unclear how such accommodations would apply to the

national delegate selection process, and the NDP has requested guidance from the DNC Rules & Bylaws Committee on this issue.

Section VIII(A)(2)(d)(3) provides that the NDP, through the Committee on Inclusion, will implement a financial assistance program for persons of low and moderate income to encourage their participation and representation in the national convention delegation.

Section VIII(F)(4) provide that as part of efforts to educate and publicize the delegate selection process, outreach and inclusion efforts will be directed at all Democratic constituencies, including groups that consider religion (or in this case, the non-religious).

Recommended Changes to Plan: None