Decision Regarding 2017 Berlin Elections

Facts:

Elections were properly held in Berlin for the Berlin Chapter Elections on January 10, 2017. Of the written ballots, 16 were properly and undisputedly cast for Diego Rivas, 19 properly and undisputedly for Emily Lines. 7 ballots were cast which had some question as to their validity due to missing printed names and/or signature.

Law

The relevant law in this matter can be found in the Democrats Abroad Germany By-Laws, Article VII, Section 7.8:

> Voting in all meetings may be by show of hands, roll call, written ballot or such other means as may be agreed by those present and voting and in all events shall be open and may not be secret and, if in written format, must be signed either physically or electronically in order to permit identification of the person voting.

("DAG By-Laws"). Additional guidance can be found in the Democrats Abroad Country Committee Election Procedures, which governs all Democrats Abroad elections, regardless of country. There, it is clearly stated that "unsigned ballots ...shall not be counted" (Section 5(e)(1)(c))("CCEP"). Section 5(e)(1)(d) also notes that as for "blank or partially blank ballots", they "shall not be counted for the purposes of any position for which the ballot is blank but shall be counted for any positions for which a candidate is selected."

Analysis

Of the ballots under examination, one ballot was cast for Ms. Lines without a signature. Under the clearly stated law of both the DAG By-Laws and the CCEP, a ballot without a signature cannot be counted. This leaves 16 votes for Mr. Rivas, 19 for Ms. Lines, and 6 signed, but not printed, ballots - 5 of which were for Mr. Rivas, and one of which was for Ms. Lines.

The relevant question then remains whether the ballots which were signed and not printed are valid ballots. There is no written requirement in either the DAG By-Laws or the CCEP that a name be both printed and signed - only that it be signed. Further, Section 5(e)(1)(d), while it may not be referring to this situation, clearly indicates a preference by the DA that all signed ballots are counted by requiring a ballot to be counted even if not completely filled out. The fact that the ballot sheet indicates that the voter's name should be printed, and that this may have been announced at

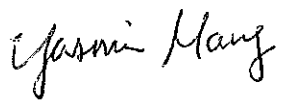
the meeting, cannot trump the intent of the DA to have all possible votes count. Thus, it must be concluded that the printing of names is not a requirement for validity.

It should be noted that of the six signed ballots without a printed name, only five could be verified against the DAG records - the five that were cast for Mr. Rivas - and thus would technically serve to identify the person voting. However, because the unidentifiable ballot, cast for Ms. Lines, would not change the outcome here, Counsel will refrain from judging whether an unidentifiable signature is sufficient to meet the requirements of the DA By-Laws and the CCEP.

Conclusion

For this reason, Counsel holds that the election was properly won by Mr. Rivas.

So held.



Yasmin Mang
Attorney-At-Law (California)
General Counsel