

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

Michael A. Steinberg,

Plaintiff,

CASE NO.: 4:23-cv-518-AW-MAF

vs.

Democratic Party of Florida and
Cord Byrd, Secretary of State of Florida,

Defendants.

PLAINTIFF'S AMENDED COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This is an action for declaratory and injunctive relief pursuant to 28 U.S.C. §§ 1331, 1343, 1361, and 2201.
2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) because a substantial part of the real and immediate harm faced by the Plaintiff is threatened in this judicial district and the Defendant, Democratic Party of Florida, maintains its headquarters in this district.
3. Defendant, Florida Democratic Party, is the official representative entity of the Democratic National Committee in Florida, and is responsible for, among other things, promulgating delegate selection rules for Florida for the 2024 Democratic National Convention.
4. The Defendant, Cord Byrd, Secretary of State of Florida, is the agent of the State of Florida responsible for administering elections in the State of Florida.

5. Section 103.101(2) of the Florida Statutes provides in part that by November 30, of the year preceding the presidential preference primary, each political party shall submit to the Secretary of State a list of its presidential candidates to be placed on the presidential preference primary ballot or candidates entitled to have delegates to appear on the presidential preference primary ballot.
6. Plaintiff, Michael A. Steinberg, is a Florida resident, a registered Democratic voter, and intends to vote in the Florida Democratic presidential preference primary election on March 19, 2024.
7. Rules of the Florida Democratic Party provides in part:

Ballot Access

A presidential candidate gains access to the Florida presidential preference primary ballot by the following procedure: (1) The Florida Democratic Party State Executive Committee will consider and approve a list of recognized Democratic presidential candidates at its meeting held on the weekend of the State Convention. By November 30, 2023, the Florida Democratic Party will submit a list of its presidential candidates to the Secretary of State to be placed on the presidential preference primary ballot. (2) The Secretary of State shall prepare and publish a list of names of the presidential candidates submitted no later than December 12, 2023. (3) The Department of State shall immediately notify each presidential candidate listed by the Secretary of State. Such notification shall be in writing, by registered mail, with return receipt requested.

- (4) There is no other procedure (i.e., filing process) by which presidential candidates gain access to the Florida presidential preference primary ballot.
8. On or about November 30, 2023 the Florida Democratic Party submitted a list of its presidential candidates to the Secretary of State to be placed on the presidential preference primary ballot. This list included only President Joseph Biden.
 9. On March 1, 2023, Marianne Williamson filed a statement of organization with the Federal Elections Commission, indicating that she was a candidate for President of the United States, as a Democratic candidate. She was a candidate in 2020 and was on the Democratic presidential preference primary ballot for that election cycle and the Florida Democratic Party submitted her name to be on the ballot as a recognized Democratic presidential candidate. Filings with the Federal Elections Commission for the quarter ending September 30, 2023, show she had received over two million dollars in campaign contributions.
 10. Prior to October 26, 2023, Congressman Dean Phillips had been interviewed on a number of national televised news programs suggesting that a high-profile Democrat, other than President Joseph Biden, run for President in 2024. On October 26, 2023, Congressman Dean Phillips filed a statement of organization with the Federal Elections Commission, indicating that he was a candidate for President of the United States, as a Democratic candidate. Immediately following his announcement as a candidate for President, prior to October 29, 2023, there were numerous news stories reporting that Congressman Dean Phillips was running as a Democratic candidate for President of the United States in the 2024 election.

11. Cenk Uygur is a nationally and internationally known political commentator and media host. He is the creator of The Young Turks, a progressive news and commentary program. On YouTube, its main show, The Young Turks, has more than 4.7 million subscribers, and over 12 million viewers (2019) are subscribed to its multiple online channels. TYT has become one of the largest watched online networks, with its videos seen over 8 billion times (2019). TYT's millennial viewership ranks the network first for news and politics across its online platforms. On October 11, 2023, Mr. Uygur filed a Statement of Candidacy with the Federal Elections Commission declaring his candidacy for President. Since then., and prior to October 29, 2023, there have been numerous articles and discussions about his candidacy on national television news programs and other national media sources.
12. The Florida Democratic Party adopted a Delegate Selection Plan that was approved by the Democratic National Committee. This plan set forth, among other things, how a candidate obtains placement on the presidential preference primary ballot. The Plan provides that “The Florida Democratic Party State Executive Committee will consider and approve a list of recognized Democratic presidential candidates at its meeting held on the weekend of the State Convention. By November 30, 2023, the Florida Democratic Party will submit a list of its presidential candidates to the Secretary of State to be placed on the presidential preference primary Ballot. This date is determined by the Florida Secretary of State, pursuant to Florida State law.”
13. On October 29, 2023, the State Executive Committee of the Florida Democratic Party convened to, among other things, determine which Democratic presidential

candidates' names would be selected to appear on the 2024 presidential preference primary ballot for the Democratic Party. Only President Joseph Biden's name was considered and approved to be submitted to the Secretary of State as a Democratic Candidate.

14. The Plaintiff believes, and therefore alleges, that the process the Democratic Party of Florida used in selecting which candidates' names would be provided to the Secretary of State, for inclusion on the Democratic presidential preference primary ballot, did not comport with its own delegate selection plan, which required the executive committee to consider which Democratic presidential candidates were recognized, and to approve those candidates for ballot placement. Although the term, "recognized" is vague, the general understanding of that term in the ballot placement context, is that the candidate is widely known to be a candidate for President and that the person is actively campaigning and raising funds. Instead of considering which Democratic candidates were recognized, the Democratic Executive Committee took nominations as to which candidates names should be placed on the ballot. President Joseph Biden was the only candidate nominated.

15. The Plaintiff posits that the process utilized by the Democratic Party of Florida was tantamount to a mini-election, with approximately 218 members of the Democratic Executive Committee nominating candidates for the primary election, and there being only one candidate nominated, declaring that candidate the winner. Instead, the party should have only considered whether a candidate was a recognized

Democratic candidate for President, regardless of whether the candidate had any support from the members of the Democratic Executive Committee.

16. Even if the Democratic Executive Committee asserts that they considered all Democratic candidates for President and determined that only President Joseph Biden was recognized, that determination is so clearly and unmistakably wrong, that no reasonable person would have arrived at that conclusion.
17. By refusing to submit Congressman Dean Phillips', Marianne Williamson's, and Cenk Uygur's names on the list of candidates to be placed on the Florida presidential primary ballot for the Democratic Party, the Florida Democratic Party is violating the rights of the Plaintiff under the 1st and 14th Amendment of the United States Constitution.
18. Plaintiff, Michael A. Steinberg has been harmed by the decision of the Florida Democratic Party, in that he and other Democratic voters in the state of Florida, will not be able to vote for Congressman Dean Phillips, Marianne Williamson, nor Cenk Uygur, as their preference for the Democratic nominee for President.
19. The rules of the Florida Democratic Party do not allow the Defendant to arbitrarily deny ballot access to a candidate, regardless of voter support, and national recognition. The decision of the Florida Democratic Party to only include one candidate on the 2024 Democratic presidential primary ballot, serves no legitimate party goal.
20. While the Defendant, Florida Democratic Party, is a private organization, and may, speaking through their rules, choose to define their associational rights by limiting

who can participate in any binding process, leading to the selection of their delegates to their National Convention, they may not refuse to allow ballot access to a state run presidential primary election arbitrarily

21. The Florida Democratic Party, acting under color of state law, is committing acts in violation of the 14th Amendment to the United States Constitution, in only allowing one candidate's name to appear on the 2024 Democratic presidential primary ballot, the election which will determine the number and percentage of pledged delegates assigned to each candidate for the Democratic nomination for president, and to have delegates seated in those numbers and percentages at the National Party's national nominating convention, pursuant to party rule.

WHEREFORE, the Plaintiff, Michael A. Steinberg, requests that this court assume jurisdiction and enter a declaratory judgment determining the decision of the Defendants, that it would not include Congressman Dean Phillips', Marianne Williamson's nor Cenk Uygur's name on the list of approved candidates to appear on the Florida's presidential preference primary on March 19, 2024, is unconstitutional and violative of the 14th Amendment to the United States Constitution. Plaintiff further requests injunctive relief, preliminarily and permanently, as is appropriate to remedy the violations of Plaintiff's constitutional rights.

Respectfully Submitted,

s/Michael A. Steinberg
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