

2024 REPUBLICAN NATIONAL CONVENTION
RNC COMMITTEE ON CONTESTS
REPORT AND RECOMMENDATION FOR RESOLUTION

**IN RE: CONTEST OF THE DELEGATES AND ALTERNATE DELEGATES OF THE MISSOURI
REPUBLICAN PARTY**

O’SULLIVAN AND GOOD

v.

MISSOURI REPUBLICAN PARTY

ADOPTED JUNE 28, 2024

The following constitutes the Report and Recommendation for Resolution of the Republican National Committee (“RNC”) Committee on Contests (the “Committee”) regarding the contests arising out of alleged violations of the Missouri Call to Convention (“Call”), the Standing Rules for the 2024 Missouri Republican State Convention (“Missouri Rules”) and *The Rules of the Republican Party*, as adopted by the 2020 Republican National Convention on August 24, 2020, and amended by the RNC on April 14, 2022 (“RNC Rules”).

I. JURISDICTION

The Committee has jurisdiction over Contestant’s challenge to the at-large delegates and alternate delegates for the state of Missouri. A delegate contest is deemed to exist when a person who unsuccessfully sought a position as a delegate or alternate claims that a delegate or alternate delegate ultimately awarded that position was selected by means which violate the Rules.

Procedures for Contests of Elections of Delegates and Alternate Delegates to the 2024

Republican National Convention (“Contest Procedures”). Missouri Republican Party

(“MOGOP”) certified fifty four at-large delegates and alternate delegates (“Respondents”) to the

RNC for the 2024 Republican National Convention (“National Convention”). Derrick Good (“Good”) and Daniel O’Sullivan (“Sullivan”) (together “Contestants”) allege that Respondent awarded those delegate and alternate delegate positions to individuals using a process that violates the RNC Rules and the Missouri Rules and Call. Good *Amended Statement of Position of Challenge* (“Good Contest”), 1; *see also* O’Sullivan *Challenge to the 2024 Missouri State Republican Convention* (“O’Sullivan Contest”), 1.

The Committee finds that both consolidated Contestants have standing to bring the challenge. *See* RNC Rule No. 23(b) (“A contest may be filed against a delegate or alternate delegate only by an individual who ran unsuccessfully for such position”). Although the slate on which both O’Sullivan and Good appeared as candidates was withdrawn, that withdrawal does not change the fact that they did enter their names into contention to be delegates or alternate delegates. Furthermore, because the MOGOP Chair Nick Myers (“Myers”) was the person who withdrew the slate containing the names of O’Sullivan and Good, the Contestants did not themselves effectuate the withdrawal. As a result, the Committee holds O’Sullivan and Good did run, as required by RNC Rule No. 23(b).

Second, Respondent argues that O’Sullivan “fails to name whom he is challenging specifically” in violation of Rule 23(b). *Response Statement of Position by Missouri Delegation* (“Response Statement”), 4-5. O’Sullivan does provide the names and addresses of all the delegates and alternates he is challenging. Truly Grassroots for Trump (O’Sullivan Contest, Exhibit 1). There is no requirement in RNC Rule No. 23(b) that the number of Contestants match the number of contested delegates and alternate delegates. O’Sullivan can challenge every delegate and alternate delegate, under the theory that he could and should replace any one of them.

Respondent similarly argues that Good’s contest includes Contestants from multiple slates, that none of those Contestants except Good signed Good’s contest, and that Good does not identify which delegates and alternate delegates Good is challenging. Response Statement, 4. Again, the Committee holds there is no requirement in RNC Rule No. 23(b) that the number of Contestants match the number of contested delegates and alternate delegates. Good can challenge every delegate and alternate delegate, under the theory that he could and should replace any one of them. Additionally, there is nothing which bars Good from joining with members of other defeated slates to file a contest with the Committee. *See* RNC Rule No. 23(b). Good and O’Sullivan have standing.

The Committee notes that in addition to challenging all of the at-large delegates and alternate delegates to the National Convention, O’Sullivan also challenges the elections of the Republican National Committeeman and Committeewoman, the election of Missouri’s at-large Electors, and the adoption of the Missouri Republican Party’s Platform. The Committee does not have jurisdiction to address these other disputes. The Committee’s report and recommendation only addresses the dispute over Missouri’s at-large delegates and alternate delegates to the National Convention and should not be construed to apply to any other dispute raised by O’Sullivan.

II. COMMITTEE’S FINDINGS OF FACT

The Missouri Republican State Convention (“State Convention”) met on May 4, 2024, to select at-large delegates and alternate delegates to the National Convention and conduct other business. The State Convention was governed by the Missouri Rules and the Call¹ adopted by the Missouri Republican Party (“MOGOP”).

¹ Both of the Contestants and the Respondent all provided different versions of the Call. These three different versions possess substantial inconsistencies. The Committee has confirmed that Respondent’s version of the Call is

When registration began on Saturday morning at the State Convention, many delegates were missing their physical credential badges. To remedy this problem, convention staff began issuing additional credential badges. Staff were not checking to confirm they did not issue delegate badges to alternate delegates or to non-delegates. O’Sullivan Contest, 5. The State Convention Credentials Committee staff created delegate credential badges for people who were delegates to their Congressional Convention, but not to the State Convention. *Id.* In an effort to determine who was and was not present, the temporary Chair called a roll of the delegates, asking them to stand when their name was called. *Id.* 6-7. Because the Credentials Committee staff had incomplete lists of delegates, not every delegate had their name called. *Id.* As a result, when a tally of the standing delegates was taken, there were delegates missed. *Id.* Additionally, there was no effort to account for delegates who may have been present, but outside the room at the time their name was called, resulting in them being missed in the count. *Id.* When alternate delegates were called to replace missing delegates, alternate delegates were elevated without anyone confirming which delegate they were replacing or whether the alternate delegate and the delegate they replaced were from the same county as the Missouri Rules required. *Id.* at 7.

The credentialing committee report, which was presented to the State Convention five hours late, was adopted. Response Statement, 4; Minutes of the Missouri Republican Convention (“Minutes”), 2. There was a challenge to the seating of alternates at the State Convention, but the challenge was withdrawn. *Id.* Despite the adoption of a credentials committee report, there exists no accurate roll of the credentialed delegates and alternate delegates at the State Convention. O’Sullivan Contest, 1.

correct and matches the copy of the Call which is on file with the RNC’s Counsel’s Office. The other copies appear to be drafts of the Call likely submitted to the Committee in error.

After the election of the permanent Chair, the State Convention recessed for lunch until 2:48 pm. Minutes, 4. During lunch, many delegates left the convention hall. When they attempted to return to the convention hall, these delegates were blocked from re-entering by volunteers who stated the Chair of the State Convention had ordered them to prevent delegates from re-entering the convention hall. Good Contest, 3-4. This standoff went on for some time, but eventually the volunteers allowed the delegates to return to the convention hall.² O’Sullivan Contest, 10-11; Good Contest, 3-4.

After lunch, the State Convention took up consideration of the Call and the Missouri Rules. Minutes, 5-6. The State Convention voted to amend the Call and the Missouri Rules to strike the following provisions:

- Congressional Districts/Conventions shall be awarded two additional delegates and two additional alternates from the At Large state allocation and bound to the winner by the 50% + 1 or Plurality Rule outcome, as nominated by the Chair of the Missouri Republican Party.
- Deadlines for submitting nominations to the nominating committee shall be 8:00am Saturday, May 4, 2024, as noted by the Chairman. Minutes, 5-6.

Four slates of delegates and alternate delegates for the National Convention were submitted to the nominating committee: MOGOP MAGA, consisting of 11 delegates and 11 alternate delegates; Conservative Women, consisting of 11 delegates and 11 alternate delegates; Truly Grassroots for Trump, consisting of 27 delegates and 27 alternate delegates (“Truly 27”); and Truly Grassroots for Trump, consisting of 11 delegates and 11 alternate delegates (“Truly

² Neither O’Sullivan nor Good allege a specific length of time that delegates were excluded from the convention hall. Without this information, it is very challenging for the Committee to determine to what extent this breach of procedure may have affected the proceedings of the State Convention.

11”). O’Sullivan Contest, 2, 15-17; Good Contest, 1-3. The MOGOP MAGA slate was withdrawn. Minutes, 7. The Conservative Women slate was ruled incomplete due to the earlier rules change which changed the required number of names on a slate from 11 to 27. *Id.* The Chair gave 30 minutes to allow for new slates to be created, after which Truly 27 remained the only slate with 27 delegates and 27 alternate delegates. *Id.* at 8. As a result, Truly 27 won by acclamation. *Id.* at 10. Truly 27 was certified by the Chair and Secretary of the State Convention as the official slate of at-large delegates and alternate delegates for Missouri. Response Statement, 9.

III. CONTESTANTS’ CONTENTIONS

Contestants argue three points: (1) that the State Convention was not properly credentialed, (2) that the State Convention body improperly voted to amend its Call in violation of RNC Rule 16(f), and (3) that the slate of delegates for the Republican National Convention selected at the State Convention was selected in violation of the State Convention’s Rules. The Committee will address each argument in turn.

1. The State Convention was not properly credentialed.

Contestants argue the Missouri at-large delegates and alternate delegates must be rejected because the delegates that voted for them were not properly credentialed. Contestants point to the failure of the State Convention to maintain an accurate list of delegates and the improper elevation of alternate delegates to establish that the State Convention could not have been credentialed properly. O’Sullivan Contest, 5-10. Contestants particularly stress that the failure to provide an accurate roll of the delegates and alternate delegates to the State Convention should demonstrate that the credentialing process was fundamentally flawed. *Id.* at 1.

Contestants also argue that even if the State Convention was initially credentialed correctly, it did not remain so. After the convention took its break for lunch, some delegates were blocked from returning to the convention hall. Good Contest, 3-4. Contestants argue the exclusion of these delegates from the convention hall further calls into question whether the correctly seated delegates, and only the correctly seated delegates were voting during the State Convention.

2. The State Convention body improperly voted to amend its Call in violation of RNC Rule 16(f).

The Call provided that the MOGOP Chair would choose 16 delegates and 16 alternates, and then that an additional 11 delegates and alternates would be chosen at the convention. Call, 10 (Rule of Order VII). Ultimately, the rules were changed, and 27 delegates and alternates were chosen at the State Convention. Minutes, 5-6. Contestants argue this violates RNC Rule No. 16(f)(2) which places restrictions on what kinds of amendments may be made to the manner that delegates are elected, selected, allocated, and bound.

3. The slate of delegates certified for the Republican National Convention was selected in violation of the convention's rules.

The Missouri Rules provide that no person can appear on more than one slate of delegates. Missouri Rules §12. There are 22 names out of the 54 names who appear on the prevailing slate, Truly 27, that also appeared on a second slate of delegates, Truly 11. O'Sullivan Contest, 14-17. Contestants argue because delegates on the prevailing slate also appeared on a second slate, both of those slates should have been invalidated.

IV. RESPONDENT'S CONTENTIONS

Respondent rebuts each of Contestants' contentions. Respondent also argues that because their slate was the only slate that was certified at the convention, it must be the only acceptable slate.

1. The State Convention adopted a credentialing report.

Respondent argues that even though there were issues with credentialing at the State Convention, in the end, the State Convention was able to adopt a credentialing report and that all challenges to that report were withdrawn. Minutes, 2. This suggests the delegates at the convention believed the credentialing process was completed successfully. Respondent notes the MOGOP Chair also appeared to agree the credentialing issues were eventually resolved successfully. Response Statement, 5. Respondent also argues that even if the credentialing was done improperly that Contestants have unclean hands because they are responsible for the credentialing issues. Response Statement, 5.

2. There was a conflict between the Call and the Convention's standing rules.

The Call states that 16 at-large delegates will be named by Congressional Districts and then nominated by the MOGOP Chair at convention, while the remaining 11 delegates will be elected on slates at convention. Call, 4 (Rule of Order VII). The Standing Rules provide that all 27 delegates and alternate delegates will be selected on one slate at convention. Missouri Rules, 5. Respondent argues that because of this conflict, the Convention had the right and responsibility to modify the Call in order to standardize these two documents. Response Statement, 7-9. They also contend that their method of electing all 27 delegates at convention complies with Missouri's 16(f) filing, because on the 16(f) form, when asked to summarize Missouri's delegate selection process, MOGOP Chair Myers wrote "Vote of the delegates at 5-4-

2024 State Convention.” *Id.* at 6. Respondent also argues that to comply with the Call would cause them to violate RNC Rules 15(b), 16(d)(1), and 16(d)(4). *Id.* at 7.

3. Respondent argues the Truly 27 slate was submitted properly.

Respondent argues that while there were two slates with the same names on them, that one of these slates was a “contingency slate.” Response Statement, 9. Respondent believes that stating one of the slates is a “contingency slate” abrogates the rule that slates not possess duplicate names. *Id.*

4. Respondent argues their slate was the only slate certified at convention.

RNC Rule No. 20(a)(1) requires that “in every case where delegates are elected by convention, they shall be certified by the chairman and secretary of such convention or by the chairman and another authorized officer of the Republican state committee.” Respondent’s slate of delegates was the only slate of delegates certified by the Chair and Secretary of the State Convention. Response Statement, 9. Respondent argues that this makes their slate the only acceptable slate.

V. ANALYSIS

The Committee first addresses Respondent’s contention that the certification of their slate in accordance with RNC Rule No. 20(a)(1) makes their slate the only acceptable slate.

Respondent’s slate was certified and submitted to the Secretary of the RNC. As a result, the burden of proof is on Contestants to demonstrate, by a preponderance of evidence, the validity of their challenges. Contest Procedures, ¶13. The simple fact that Respondent’s slate was certified does not eliminate Contestants’ right to challenge that slate or require the Committee to hold in favor of Respondent.

The Committee now addresses the Contestants' issues on the merits. The Committee holds that the State Convention was not properly credentialed, and that any slate of delegates and alternate delegates adopted at the State Convention must be discarded. Contestants have provided ample proof of alarming irregularities in the State Convention's credentialing procedures, including the absence of names on delegate lists, the distribution of delegate credentials to alternate delegates without confirming who they were replacing, and the failure to ensure alternate delegates were raised from the same counties as the delegates they were replacing, among other things. The Committee concludes that it is more likely than not, as a result of these issues, that the State Convention was not properly credentialed.

Respondent argues that because the State Convention adopted a credentialing report, the Committee should look past all of these flaws. The Committee cannot agree. Contestants allege, and Respondent does not effectively rebut, that there was never a final roll of delegates produced with the names of all the correct delegates and alternate delegates who were credentialed to participate in the State Convention. Without such a roll of names, it is unclear what exactly the State Convention adopted when it voted to adopt a credentialing report. Whatever the State Convention adopted, without a roll of delegates containing the names of all the correct delegates and alternate delegates who were credentialed to participate in the State Convention, the report was deficient, and this Committee cannot accept it as proof the State Convention was properly credentialed.

Respondent also argues that Contestants are somehow responsible for the credentialing issues at the State Convention. When issues are as pervasive as the credentialing issues were at the State Convention, it would be unfair to place the blame on any single party. It would be especially unfair to place the blame on Contestants, because Respondent does not provide any

evidence that O’Sullivan or Good had anything whatsoever to do with the credentialing process. To punish Contestants for the failures of others would not be fair. The Contestants do not have unclean hands.

Because the Committee resolves this matter on the credentialing issue alone, the Committee declines to comment at this time on the parties’ remaining issues. The Committee reserves the right to reconsider any of the remaining issues, should there be an appeal.

VI. RECOMMENDATIONS

As a result of the improper credentialing process at the State Convention, the Committee recommends vacating the at-large delegates and alternate delegates from Missouri. The Committee recommends that pursuant to RNC Rule No. 18, the vacant delegate and alternate delegate positions be filled by the MOGOP by 5:00 pm EDT on July 5.³ The Committee urges the MOGOP to meet as soon as possible to resolve this issue and to work towards unity.



Jeanne Luckey, Chairwoman
RNC Committee on Contests

³ RNC Rule No. 18 provides that “(a) Where the rules adopted by a state Republican Party provide a method for filling vacancies in its national convention delegation, they shall be filled pursuant to such method. (b) Where the rules adopted by a state Republican Party do not provide a method for filling vacancies in its national convention delegation, and where the state laws do provide such a method of replacement, they shall be filled pursuant to such method provided by state laws. (c) Where neither the rules adopted by a state Republican Party nor state laws provide a method for filling vacancies in its national convention delegation, the state Republican Party should make every effort to elect those individuals filling the vacancies in the delegation in the same manner as the delegates were originally elected or selected, or by vote of the state Republican Party executive committee.” Because of the short time remaining before the National Convention, the Committee believes there is no possible way for Missouri to hold a new state convention, and thus the MOGOP executive committee should vote to fill the seats if there is no controlling state party rule or state law.