

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

LARRY KLAYMAN,  
Boca Raton, FL, 33433,

On Behalf of Himself and Others Similarly Situated,

Plaintiff,

v.

**COMPLAINT**

THE REPUBLICAN NATIONAL COMMITTEE  
310 First Street SE  
Washington, DC, 20003,

and

REINCE PRIEBUS, individually and in his official capacity  
310 First Street SE  
Washington, DC, 20003

and

THE REPUBLICAN PARTY OF FLORIDA  
420 East Jefferson Street  
Tallahassee, FL, 32301,

and

BLAISE INGOGLIA, individually and in his official capacity  
420 East Jefferson Street  
Tallahassee, FL, 32301,

and

KEN DETZNER, individually and in his office capacity  
Secretary of State of Florida  
500 South Bronough Street  
Tallahassee, FL, 32399,

Defendants.

## I. INTRODUCTION

Defendants, the Republican National Committee, Reince Preibus—individually and as Chairman of the Republican National Committee, the Republican Party of Florida, Blaise Ingoglia—individually and as Chairman of the Republican Party of Florida, and Ken Detzner—as Secretary of State of Florida, acting in concert as part of a conspiracy have defrauded (and engaged in election misconduct pursuant to Florida Statue 102.168) with Republican voters into believing that the votes cast during Florida’s Republican Presidential Primary applied past the first ballot at the Republican National Convention to be held in July 18-21, 2016. Defendants, each and every one of them, fraudulently held out to Florida voters, and the public at large, that their votes cast at the Florida Republican Presidential Primary would be counted and not nullified in nominating a presidential candidate. In fact, Defendants are conspiring, to make delegates free to disregard the popular vote and support whichever candidate they desire after the first ballot of the Republican National Convention. Unsurprisingly, Republican Party insiders, known colloquially as “the Republican Establishment” have defrauded and engaged in election misconduct and thus illegally manipulated the election system to end up with a candidate that fits their own political and financial agendas. Practically, this also enables delegates to simply sell their allegiance to and be in effect bribed by the highest bidder, as recently reported in The Washington Post.<sup>1</sup> As a result, the votes cast by Florida citizens and taxpayers are diluted, disenfranchised and nullified, and subsequently, Florida Republican voters are substantially deprived of their fundamental right to vote. Plaintiff now brings this action for Declaratory Relief, not in support of any particular candidate, but to vindicate the constitutional right that

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<sup>1</sup> Philip Rucker, *These 200 people could decide whether Donald Trump gets the GOP nomination*, THE WASHINGTON POST (April 8, 2016) (available at: [https://www.washingtonpost.com/politics/these-200-people-could-decide-whether-donald-trump-gets-the-gop-nomination/2016/04/07/5c5999e0-fc41-11e5-9140-e61d062438bb\\_story.html](https://www.washingtonpost.com/politics/these-200-people-could-decide-whether-donald-trump-gets-the-gop-nomination/2016/04/07/5c5999e0-fc41-11e5-9140-e61d062438bb_story.html)).

each and every eligible citizen and voter of Florida has to cast a meaningful vote. Such Declaratory Relief is necessary now in order to inform and require Florida's Republican delegates of their legal obligation to carry through the popular vote of Florida's Republican voters at the Republican National Convention, which will be held from July 18-21, 2016. Given the fact that any such Declaratory Relief would be needed prior to the Republican National Convention to have any practical effect, Plaintiff respectfully requests an expedited proceeding in this matter.

## **II. VENUE AND JURISDICTION.**

1. Venue is proper in the Circuit Court of the Second Judicial District, in and for Leon County, Florida because Defendants the Republican Party of Florida, Blaise Ingoglia, and Ken Detzner reside and have their principle place of business there and this is the court that decided election disputes in Florida pursuant to Florida Statute 102.168.

## **III. PARTIES**

### **Plaintiff**

1. Larry Klayman ("Klayman") is an individual, natural person who, at all material times, was and is a citizen and taxpayer of the state of Florida. Klayman is a registered member of the Republican Party who voted for a Republican candidate at the March 15, 2016 Florida Republican Presidential Primary. Klayman resides in Boca Raton, Florida. Plaintiff Klayman is the founder of Judicial Watch and Freedom Watch and in 2000 participated as public interest counsel in the presidential election case styled *Gore v. Bush*.<sup>2</sup>

2. While not plaintiffs at this time, this Complaint is also brought on behalf of all similarly situated Republican Party voters in the state of Florida who voted for a Republican candidate at the March 15, 2016 Florida Republican Presidential Primary.

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<sup>2</sup> No. CV 00-2808 (2nd Circuit, N. Sanders Sauls)

## Defendants

3. The Republican National Committee is an organization that serves as the official organization for Republicans in the United States of America with its principle place of business at 310 First Street SE, Washington, D.C., 20003.

4. Reince Priebus (“Priebus”) is an individual, who at all material times, served as the Chairman of the Republican National Committee. Priebus’ address is 310 First Street SE, Washington, D.C., 20003. Plaintiff brings this claim against Priebus individually and in his official capacity.

5. The Republican Party of Florida is an organization that serves as the official organization for Republicans in the state of Florida with its principle place of business at 420 E. Jefferson St., Tallahassee, FL, 32301.

6. Blaise Ingoglia (“Ingoglia”) is an individual, who at all material times, served as the Chairman of the Republican Party of Florida. Ingoglia’s address is 420 E. Jefferson St., Tallahassee, FL, 32301. Plaintiff brings this claim against Ingoglia individually and in his official capacity.

7. Ken Detzner (“Detzner”) is an individual, who at all material times, served as the Secretary of State for the state of Florida. Detzner’s address is 500 S. Bronough St., Tallahassee, FL, 32399. Plaintiff brings this claim against Detzner individually and in his official capacity.

## **IV. STANDING**

8. As set forth in the following paragraphs of this Complaint, Plaintiff has standing to bring this action because they have been directly affected and victimized by the fraudulent and unlawful misconduct complained herein pursuant to Florida Statute 102.168. Their injuries are

proximately related to the fraudulent and illegal misconduct of Defendants the Republican Party of Florida, the Republican National Committee, Detzner, Priebus, and Ingoglia.

## **V. FACTS**

9. Plaintiff Klayman, along with similarly situated Republican Party voters in Florida, cast votes for certain Republican Party presidential candidates at the Florida Republican Primary on March 15, 2016.

10. All voters in Florida, upon registration, must take an oath to “...protect and defend the Constitution of the United States and the Constitution of the State of Florida....” under Fl. SS 97.051.

11. Plaintiff Klayman, along with similarly situated Republican Party voters in Florida, all took the oath mandated by Florida Statute 97.051 upon registration as voters in the state of Florida.

12. Detzner is Florida’s chief elections officer and has taken an oath to support the Constitutions of the United States and the State of Florida under Florida Statute 876.05.

13. The Florida Statutes mandate that “[a]ny party rule directing the vote of delegates at a national nominating conventions shall reasonably reflect the results of the presidential preference primary, if one is held.” Fl SS. 103.101(1)

14. The Republican Party of Florida employs a “winner-take-all” approach to Florida’s Republican Presidential Primary, whereby the winner of the popular vote is awarded the entire ninety-nine (99) Republican delegates that Florida has to offer, pursuant to the Republican Party of Florida’s Party Rules of Procedure 10(B).

15. At the March 15, 2016 Florida Presidential Primary, Republican Presidential candidate Mr. Donald John Trump (“Trump”) won the Florida popular vote, and was seemingly awarded with all ninety-nine (99) of Florida’s Republican delegates.

16. Defendants are conspiring through action and inaction in securing the allegiances of numerous delegates to disregard the popular vote and instead support candidates who did not win the Florida Republican Primary, should the Republican National Convention go to a second round of voting.<sup>3</sup>

17. Pursuant to Rule 10(B) of the Republican Party of Florida’s Rules of Procedure, Defendant Ingoglia—the Chairman of the Republican Party of Florida, “shall be bound to count and cast all delegate votes for that presidential candidate during the first three convention ballots unless the convention rules state that delegates are bound for more than three ballots.”

18. The Republican Party of Florida’s Rules of Procedure are created by Defendant the Republican Party of Florida and held out to Plaintiff and the public at large by the same.

19. The Republican Party of Florida’s Rules of Procedure are approved by Defendant Detzner, as Secretary of State of Florida pursuant to Fl. SS 103.101(5).

20. The Republican National Committee, in concert with the other Defendants, acting as part of a conspiracy and jointly and severally, at the time of the primary hid their conspiracy and plan to have someone other than Donald Trump and Ted Cruz emerge as the Republican Presidential candidate and nominee for the general election. For instance, Defendant Priebus, Chairman of the Republican National Committee, has been forced to admit after the Florida

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<sup>3</sup> Ed O’Keefe, *Cruz likely to block Trump on a second ballot at the GOP convention*, The Washington Post, (April 13, 2016) (available at [https://www.washingtonpost.com/politics/cruz-likely-to-block-trump-on-a-second-ballot-at-the-gop-convention/2016/04/13/6553e724-00bc-11e6-9d36-33d198ea26c5\\_story.html](https://www.washingtonpost.com/politics/cruz-likely-to-block-trump-on-a-second-ballot-at-the-gop-convention/2016/04/13/6553e724-00bc-11e6-9d36-33d198ea26c5_story.html)).

primary has held that he and the other Defendants do not plan to let the Trump campaign take over the party apparatus if they capture the nomination.<sup>4</sup>

21. Additionally, Republican Party insiders, that is the “Republican Establishment,” have expressed after the Florida primary was their conspiratorial plan that someone other than Cruz emerge as the Republican Presidential candidate for the general election, fearing that Cruz would be unwilling to further to their own political and financial agendas.<sup>5</sup>

22. In fact, Priebus and his allies have taken affirmative steps to preclude Trump, Cruz, or another anti-establishment Presidential candidate from securing the Republican Presidential nomination and therefore diluting and disenfranchising and nullifying the vote of Florida Republican voters, including but not limited to, trying to quash a proposed rule that would switch the rules governing the Republican National Convention from the rules of the U.S. House of Representatives to Robert’s Rules of Order. The proposal would have made it more difficult for Republican Party insiders, that is the “Republican Establishment”, such as Priebus, to push through a candidate of their choice not currently running for President at the Republican National Convention.<sup>6</sup>

23. Defendants, each and every one of them, fraudulently failed to disclose to Plaintiff, and the public at large, that the ninety-nine (99) delegates awarded to Trump become unbound after the first round of voting at the Republican National Convention and are according to Defendants, from that point, free to disregard the popular vote and cast their vote in support of any candidate they desire.

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<sup>4</sup> Maggie Haberman, Jonathan Martin, *Donald Trump Clears the Air with Republican Leaders*, The New York Times (available at [http://www.nytimes.com/politics/first-draft/2016/04/01/donald-trump-clears-the-air-with-republican-leaders/?\\_r=1](http://www.nytimes.com/politics/first-draft/2016/04/01/donald-trump-clears-the-air-with-republican-leaders/?_r=1)).

<sup>5</sup> Ben Domenech, *The Other Reason the Washington Elite hate Ted Cruz*, THE FEDERALIST (January 22, 2016)(available at <http://thefederalist.com/2016/01/22/the-other-reason-the-washington-elite-hate-ted-cruz/>).

<sup>6</sup> Alex Isenstadt, Shane Goldmacher, *RNC rules clash erupts*, POLITICO, (April 17, 2016) (available at <http://www.politico.com/story/2016/04/republican-rules-clash-convention-222063>).

24. Defendant the Republican National Party has fraudulently held out to Plaintiff, and the public at large, that it serves as a neutral organization,<sup>7</sup> when in actuality, on information and belief, it operates to serve its own hidden political agendas, even at the expense of the desires of Florida Republican voters.

25. Defendants Detzner and the Republican Party of Florida have fraudulently held out to the public, through the ratification and publication of the Republic Party of Florida's Rules of Procedure, that delegates would be bound to the candidate selected by Florida's popular vote for at least three rounds of voting, despite the fact that delegates, as a result of Defendants' misconduct, are free to become unbound after the first ballot.

26. Under Florida Statute 102.168, "the certification of election or nomination of any person to office...may be contested...[for] misconduct, fraud, or corruption on the part of any election official...sufficient to change or place in doubt the result of the election."

27. As described in the foregoing paragraphs of this Complaint, Defendants, as election officials and entities, as well as political parties, committed fraud and/or misconduct by disenfranchising Florida Republican voters through their attempts to back-channel a Republican Presidential candidate who services their own political and financial agendas at the expense of the Florida Republican voters who voted for Trump or Cruz, and by furthering their own interests through fraudulently representing to the Florida Republican voters, and the public at large, that their popular vote bound Republican delegates past the first ballot of the Republican National Convention.

28. Plaintiff has therefore been given a statutory basis upon which to challenge the fraudulent conduct and misconduct of Defendants, each and every one of them, acting in concert

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<sup>7</sup> Haberman, *supra* note 4.

as part of a conspiracy in diluting and nullifying the popular vote of Plaintiff and Florida's Republican voters at large to service their own political and financial agendas.

29. As a result of Defendants' fraudulent actions, Plaintiff has been deprived of the fundamental right to vote in a meaningful operative fashion because Republican Party insiders, that is the "Republican Establishment", have schemed to dilute and disenfranchise and nullify the vote in order to service and further their own political and financial agendas.

**FIRST CAUSE OF ACTION**  
**(Declaratory Judgment)**

30. Plaintiff re-alleges and re-avers the allegations of paragraphs 1 to 30 of this Complaint.

31. There is a bona-fide dispute between Plaintiff and Defendants in that Defendants are depriving Plaintiff of the fundamental right to cast a meaningful and operative vote in order to service and further their own political agendas.

32. Pursuant to Florida Statute 102.168, "the certification of election or nomination of any person to office...may be contested...[for] misconduct, fraud, or corruption on the part of any election official...sufficient to change or place in doubt the result of the election." Defendants have engaged, as part of their conspiracy, in misconduct, fraud and corruption as pled herein in this Complaint.

33. As described in the foregoing paragraphs of this Complaint, Defendants, each and every one of them, as election officials, committed fraud and/or misconduct by disenfranchising Florida Republican voters through their attempts to back-channel a Republican Presidential candidate who services and furthers their own political and financial agendas at the expense of the Florida Republican voters who voted for Trump or Cruz.

34. Defendants, each and every one of them, defrauded and engaged in misconduct with regard to Plaintiff, and the public at large, into believing that the votes cast in the 2016 Florida Republican Presidential Primary had any weight and are operative past the first ballot of the Republican National Convention.

35. In fact, delegates awarded to Trump as a result of Trump winning the popular vote in Florida become unbound after the first ballot of the Republican National Convention, and are free to disregard and disenfranchise and nullify Florida voters and support any candidate that they desire. This was not disclosed to Florida Republican voters until after they voted, as part of a conspiracy, wrapped in fraud and other election misconduct, pursuant to Fl SS. 102.168.

36. Plaintiff, therefore, has a justiciable question as to the extent of their right to cast a meaningful and operative vote in the Florida Republican Presidential Primary.

37. There is a bona-fide, actual, and present need for the declaration because, currently—despite Defendants’ fraudulent representations—delegates are free to disregard the popular vote of Florida Republican Presidential Primary voters after the first ballot of the Republican National Convention, which commences on July 18, 2016. As such, Declaratory Judgment is presently and urgently needed in order to inform Florida’s Republican delegates of their obligation to carry out the popular vote of Florida’s Republican voters prior to the July 18-21, 2016 Republican National Convention.

38. In order to vindicate and preserve the rights of Plaintiff, a declaration is therefore needed that delegates must carry through with the popular vote of Florida voters during the Republican National Convention, pursuant to the Republican Party of Florida’s Rules of Procedure.

WHEREFORE, Plaintiff prays for declaratory relief that Florida's Republican Party delegates must vote as the Florida Republican electorate decided by way of popular vote during the Florida Presidential Primary at the Republican National Convention in order to vindicate and preserve the rights of Florida Republican Presidential Primary voters to cast a meaningful and operative vote and that they must adhere to this popular vote throughout the voting process, no matter how many rounds may result.

Dated: April 21, 2016

Respectfully submitted,

/s/ Larry Klayman

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