

March 25, 2025

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Dear Chairman Golden:

In accordance with TNGOP Bylaws, Rule F, Section 3, I present this rebuttal to the Williamson County Conservatives' contest of the results of the March 4, 2025, Williamson County Republican Party Reorganization Convention. On behalf of the duly-elected County Executive Committee members, we are confident this rebuttal will address the accusations levied by our opponents, and allow us to finally begin working for the Republicans of Williamson County.

But beyond merely answering a challenge successfully, we hope that the evidence contained herein, and a broader examination of how our opponents comported themselves during this campaign, will lead to substantive changes in Tennessee politics, and a reckoning for behavior that can only be described as disgraceful.

We welcome our "day in court" and thank you for your thorough consideration of this rebuttal.

Very Respectfully,

Stephen J. Hickey  
Chairman, Williamson County Republican Party

## BEFORE THE STATE EXECUTIVE COMMITTEE OF THE TENNESSEE REPUBLICAN PARTY

### Contestees' Reply Brief on the Williamson County Reorganization Challenge

Submitted March 25, 2025

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Thanks to the members of the Tennessee Republican Party (TRP) State Executive Committee (SEC) for your work on this election contest, and for the opportunity to give our rebuttal to allegations made by the self-styled Williamson County Conservatives (WCC). The success of this Convention (the largest in state history) was made possible by the incredible work of the all-volunteer members of the Contest and Credentials Committee (CCC), helmed by former Williamson County Republican Party (WCRP) Chairwoman Debbie Deaver (whose sterling reputation for hard work and fairness made her a natural choice for the role), and the assistance of several dedicated volunteers and elected officials (including numerous sitting County Commissioners). This Convention was overseen by the diligent and impartial eyes of multiple SEC members, including TRP Chairman Scott Golden.

After a hard-fought campaign, we, the duly-elected members of the County Executive Committee (CEC), have been excited to move the Party forward. Unfortunately, we are now diverted from our work and must take the time to respond to the allegations submitted by the WCC. While this task has been unnecessarily time-consuming, we embrace the opportunity – not only to preserve our legitimate win – but equally to defend the good people who volunteered at the Convention, as well as the officials and past leadership of our County Party and the TRP. All of these dedicated Republicans have been unjustly accused by the WCC in its unsportsmanlike attempt to undo the results of a valid election.

In all our communications, we have remained positive and issue-focused. Unfortunately, from the very launch of their campaign, the WCC has also been remarkably consistent – remaining committed to a pattern of deceitful behavior, which again, is on plain display as they seek to overturn valid election results.

This behavior has included lies, purposefully sown confusion, underhanded and misleading tactics, and a series of false, highly damaging defamatory attacks in their mailings, text messages, calls and media stories against Elevate candidates (now the duly-elected CEC), the WCRP leadership, volunteer members of the CCC, and many others.

As the CEC, we who volunteered to be the vanguard of our fellow Republicans, are acutely aware of the price of public service, and will take the arrows fired in fair play. We must here, however, point out that the WCC's challenge clearly fits into their established pattern of deceitful behavior. While it is understandable that the WCC is disappointed to lose the election, especially after spending tens of thousands of dollars and risking their individual reputations by running a negative campaign, disappointment is no excuse for dishonorable behavior. The WCC has chosen to further erode its integrity here by using underhanded and malicious tactics to overturn a valid election.

In summary, in attempting to reverse their election loss, the WCC:

- **Continues its pattern of well-documented, HIGHLY specific, defamatory statements – that are knowingly false and malicious – and made intentionally and with reckless disregard for the**

**truth.**<sup>1</sup> These statements go beyond “negative campaigning,” because they are demonstrably false and are easily refutable. All eight (8) members of the WCC, with their campaign strategists, and each media outlet that republished these defamatory claims bear responsibility in this regard.

- Has, by this challenge, intentionally hampered the immediate business of the County Party.<sup>2</sup>
- Is asking the Party to spend what would amount to an additional \$15,000 for a new Convention and to capriciously waste the approximately \$15,000 already spent on the Convention.
- Hedged against its loss at the Convention by EXPLICITLY claiming beforehand that voters would be met with attempts to “suppress” their votes, and EXPRESSLY claiming that their “opponents” were trying to “rig the ... election.” These false allegations were accompanied by a photo of President Trump, in an apparent reference to the election irregularities of the 2020 election conducted during the COVID-19 pandemic.<sup>3</sup>
- Knowing full well it would create a chaotic and difficult situation for the all-volunteer CCC, employed an opaque and misleading separate registration process via a deceptive “registration” site that harvested names of Republican voters who wished to participate in the Convention. While their campaign ads noted that scanning the link would allow voters to “register for the convention,” the WCC collected and stored this data with the intent to hold it until late in the process. The WCC did this without full disclosure and, therefore, likely without full voter consent. On the Saturday before the Tuesday Convention, the WCC dropped **more than 900 names on the state registration website (an amount representing an over 70 percent increase in registrations to that point).**
- Knowing that the original Convention venue could only hold 850 people, released their 900 warehoused convention registrations creating a *per se* need to move the venue. Cynically, the WCC defamed the CCC, WCRP and CEC when the convention was inevitably moved (as it also was in 2023) to accommodate a larger turnout with callous “voter suppression” claims. The CCC and TRP made heroic efforts to process the WCC’s massive and calculating last-minute name drop, and were rewarded with ruthless accusations and innuendos about their motives.<sup>4</sup>

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<sup>1</sup> See attached social media posts (Exhibit A), e.g., claims that party fundraising is down 27+%. This is demonstrably false and should have been verified by the WCC before making this claim. By doing so, they acted with either malicious intent or reckless disregard for the truth – both of which can provide the basis for a defamation claim under Tennessee law.

<sup>2</sup> In an email dated March 9, 2025 (Exhibit B), the WCC asked Chairman Golden to freeze the activities of the CEC. Accordingly, the CEC has been unable to advance party business, including timely passing a vital resolution on the SAVE Act.

<sup>3</sup> See mailer received by most households on or about February 28, 2025, attached as Exhibit C.

<sup>4</sup> See mailer received by most households on February 28, 2025, and social media posts, attached as Exhibit D.

- Recently issued a duplicitous and manipulative statement regarding their “accepted” appeal, referring to the acknowledgment that their filing was received, as required by the Bylaws. True to form, the WCC connivingly claims that Golden “recognizes the validity of [their] claims,” attributing a false veneer of support from the State Party Chairman, who is a neutral arbiter in this case.<sup>5</sup>
- Openly and deceitfully continues to target a volunteer member of the CCC by accusing her of “flippantly” stating that they should “burn certain ballots”<sup>6</sup> (and therefore implying evidence of fraud), knowing full well that Ms. Moonhee Bischof was responding to Williamson County Election Commission Chairman Jonathan Duda’s statement (confirmed in THEIR OWN submitted declaration) that extra ballots should be “shredded or burned” for the sake of election integrity.<sup>7</sup> This highly misleading and potentially defamatory claim has been republished by WCC supporters on various social media groups such as the Westhaven Republicans.<sup>8</sup>
- Being evidently willing to defame anyone standing between them and their goal, but conspicuously lacking any hard evidence of any kind, sent an email and posted on their social media accounts begging the public for any observations they might use in pursuit of this contest. In addition to naming even more sitting elected officials (such as Commissioner Bill Petty and Williamson County School Board Member Donna Clements), they even went so far as to include a list of *private* individuals, including family members of their opponents. This cruel and unconscionable act of naked intimidation is one expected of organized crime families. This stooping to the lowest level of conduct is not only cowardly and unbecoming of a candidate for Party office, the WCC names individuals NOT EVEN IN THE STATE/COUNTRY when the contest occurred. Ms. Hannah Tiblier, for instance, was on a cruise ship in the Caribbean. Mr. Nick Raciti, the son of WCRP Assistant Secretary Peg Raciti, is a college student in ANOTHER STATE.<sup>9</sup>

Significantly, an on-site hand recount during the Convention, overseen by both campaigns and the TRP, confirmed the results of the election.<sup>10</sup>

## LEGAL STANDARD

While the Bylaws do not set out the standards by which the SEC will decide this contest, Tennessee law is clear and provides guidance in this matter. Our courts note that “voiding an election is an extreme remedy.” *King v. Sevier Cnty. Election Comm’n*, [282 S.W.3d 37, 43](#) (Tenn. Ct. App. 2008). While Tennessee courts recognize that “[n]o election is perfect, and honest mistakes sometimes occur” *Newman v. Shelby Cnty. Election Comm’n*, No. W2011-00550-COA-R3-CV, [2012 WL 432853, at \\*5](#) (Tenn. Ct. App. February 13, 2012), “mistakes, without *evidence of fraud, illegality, or a causal connection between the mistakes* and the uncertainty of the election results will not void an election ...” *Id.* at \*9 (emphasis added).

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<sup>5</sup> See social media post attached as Exhibit E.

<sup>6</sup> See social media post attached as Exhibit F.

<sup>7</sup> See Statement of Jonathan Duda, attached as Exhibit G and originally submitted by the WCC to bolster their claims.

<sup>8</sup> See social media post attached as Exhibit H.

<sup>9</sup> See social media post attached as Exhibit I.

<sup>10</sup> See Declaration of Chris Morris, SEC Rep. for district 28, attached as Exhibit J.

The WCC, therefore, carries a heavy burden and must show evidence of fraud, evidence of illegality, or evidence of a causal connection between proven mistakes and some uncertainty in the election results. Because the WCC's claims are styled as fraud claims, we focus on that element of Tennessee's law.

## **ARGUMENT**

Turning now to the allegations made by the WCC, it is immediately apparent that they present no real evidence and have no legitimate case. This appeal is simply a poor attempt to cobble together loose conjecture to justify undoing a valid election – because the Contestants cannot accept the reality of their loss. Indeed, a detailed examination of the various claims reveals that they are uniformly opinion-based **and provide no actual evidence of fraud.**

Of course, the WCC does not – and cannot – proffer any illegal ballots. The statement of Duda confirms the integrity of the electoral process regarding specific ballots.<sup>11</sup> His statement alleges one arguable mistake, but a quick remedy cured the affected ballot. Accordingly, to succeed in this extraordinary attempt to overturn an election, the WCC has only one remaining option: it must make a showing of fraud and illegality that must have “so permeated the conduct of the election as to render it incurably uncertain” *Newman* at 13. The *Newman* court is instructive here: in a case directly on point, the plaintiffs claimed that a “malfunction occurred where incorrect data indicated that certain citizens had early voted, when they had not” *Id.* at 10. Despite testimony of a poll worker, the Plaintiffs in *Newman* provided no actual evidence of any voter having been turned away, thus failing to meet the standard. The conclusion is as sensible as it is clear: in Tennessee, the mere allegation of fraud is not enough.

### **Actual evidence is required.**

Here, the WCC fails to offer any actual instances of fraud or illegality, resorting instead to speculation and vilification. Throughout the fourteen pages of their brief, they make many allegations, hoping the sheer number of claims will compensate for the fact that they have no evidence of provable fraud.

We turn now to the WCC's particular claims. Each of the WCC's claims are addressed below with reference to the legal standards set forth above and are shown to fail. Further, we respectfully call on decision-makers at TRP and the SEC to evaluate the totality of WCC's conduct before, during, and after this Convention when assessing the veracity of claims made during this challenge.

For the sake of brevity, we state here that each and every WCC claim is based on unsupported allegations of fraud, or else describes harmless procedural missteps, neither of which satisfy the prevailing Tennessee legal standard for overturning an election. In absolutely NO INSTANCE do they show that ACTUAL fraud occurred. Even worse, the WCC makes claims like “declarations confirm that bona fide voters ... were turned away” (Contestant's Brief, Section B.5.), but the WCC offers no declarations actually proving a claim of anyone being “improperly” turned away. Failing to find actual evidence of anything that would have materially impacted this election, the WCC turns to speculation and, apparently, outright falsehoods. These failures simply compel a finding that the prevailing legal standard has not been met. Therefore, the WCC's appeal should be rejected. (*The following sections and numbers refer to the Contest Brief as filed by the WCC. We do not agree with the section heading titles but include them here for ease of cross-reference.*)

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<sup>11</sup> See Stmt. of Jonathan Duda (Exh. G).

## A. Procedural Violations

### 1. Failure to Hold Reorganizational Meeting by January 30, 2025

This claim includes no evidence that proves actual fraud or election impact. Past WCRP Chairman Dr. Tracy Miller requested and received permission from Golden to delay this meeting four (4) days so it could be coincident with the already scheduled CEC meeting on February 3<sup>rd</sup>. Proper notice was given, and no concern expressed at the time by any citizen, let alone any member of the WCC.

### 2. Time and Place of Reorganization Convention Not Properly Set per TRP Bylaws

This claim includes no evidence that proves actual fraud or election impact. In each of the voluminous declarations proffered by the WCC, not a single one states that the change from Liberty Hall to the Marriott Cool Springs Convention Center, nor the setting of the time resulted in any disenfranchisement. The CCC met on February 3<sup>rd</sup> and immediately set the date (March 4<sup>th</sup>) and location (The Franklin Factory) for the convention, while seeking to set a time agreeable to all parties and to accommodate the most voters. Its statement of “to be determined” (TBD, while noting the time would be after work hours) was not only reasonable, but appropriate, and shows the care and seriousness the CCC brought to its role. As discussed elsewhere, the overwhelming need arose to change the venue and the CCC dutifully obtained a much larger convention space two weeks before the convention.

This claim is completely devoid of any legal impact, but is nevertheless a typical example of the WCC’s pattern of distorting facts in its own favor. They repeatedly used the change in venue to cast doubt on the election results even PRIOR to the Convention, likely in an attempt to hedge against an election loss. As was noted above, the change in venue was precipitated and anticipated by the WCC’s obvious tactic of sandbagging registrations. Deaver likely knew this, anticipated the late onslaught of registrants, and actually therefore ASSISTED the WCC by anticipating needed space for “their” registrants. Having already started its campaign, the Elevate Slate also expressed concern about the move, but acquiesced to the solid logic of Deaver. She should be commended, not condemned.

It’s worthwhile to point out that the 2023 Reorganization Convention, helmed by incumbents that many members of the Elevate Slate then defeated, also moved the convention place AND date with no objection from the TRP nor any candidate (presumably including Ms. Michelle Sutton who stood as a candidate in both the 2023 and 2025 Reorganization Conventions). Clearly Sutton’s prior experience informed her that moving the Convention venue was neither an unprecedented nor controversial occurrence, and certainly not the sinister tactic the WCC portrays.

### 3. Alleged Secret Meetings of the Contest and Credentials Committee

It is unclear what the WCC is claiming here or how they were harmed. They cite the bylaw about the public “being allowed” to attend CCC meetings, but make no actual allegation of being deprived of that “right.” They do not allege that they even ASKED about CCC meetings and were denied attendance, nor state how that impacted the election. They do cite irrelevant facts about candidates not receiving an email with regard to their candidacy. To our knowledge, no one on the Elevate Slate received such an email either. This claim obviously fails to allege any fraud nor actual harm that would meet the standard for overturning a valid election.

Of note, the notion of “secret” meetings appears as a theme in the WCC’s allegations. The WCC provides no evidence of “secret” meetings, nor WHAT could have been discussed at such meetings, or even what constitutes a “secret” meeting (communications between members of the CCC, for instance?). The point, of course, is to conjure up a shadowy innuendo of backroom conspiracies as a substitute for any identifiable harm.

#### 4. Non-Delegates Permitted on Convention Floor

This issue is not only a flimsy strawman, but even if accepted as true, is either harmless error or equally prejudicial to both parties. County Reorganization Conventions typically make room for some non-delegates.<sup>12</sup> If this were a legitimate basis for overturning valid elections, multiple Conventions state-wide would need to be invalidated, and possibly going back years.

We note that a number of non-delegate supporters of WCC were in attendance, including Mr. Chris Burger (son of Alderman Bev Burger, a vocal WCC supporter) and Mr. Aaron Gulbransen (media and vocal WCC supporter). The WCC makes no specific allegation of how the presence of individuals such as Mr. Matt Masters, Mr. Romonte Hamer, or Ms. Sarah White (on the floor as media) could possibly have contributed to their loss – of course, they can make no such claim. The purpose of the rule is to preclude non-qualified voters from casting a vote. No ACTUAL electoral impact is alleged or proven here.

#### 5. Improper Election Procedures

The WCC dramatically claims, without evidence, that allowing all voters to vote in one session was part of an insidious plot to commit election fraud. In fact, Chairmans Golden and Deaver employed this method to ensure the accommodation of the most voters. Given the unprecedented number of voters, as well as the fact that the Chair/1<sup>st</sup> Vice Chair candidates on both slates were of opposite gender and thus no second vote would be needed to satisfy the Bylaws, this decision was actually one that assisted in accommodating MORE voters. Surely the WCC does not think accommodating more voters is a bad thing, especially given their stated concerns about “voter suppression.” History shows that this error, if not harmless, would almost certainly have been more harmful to the Elevate Slate. At the 2023 Convention, after Dr. Tracy Miller was elected, the votes in favor of his Vision Slate increased from a 2-to-1 win for Chairman Miller to an increased percentage for down-ballot races, because those supporting the opposing slate left the Convention after the Chair election. This method therefore gave the WCC slate a better chance at victory in individual down-ballot races.

WCC also claims that voters being permitted to vote early is a basis for overturning this valid election. It should be noted that anticipating long lines, Golden allowed early voting at the urging of vocal WCC supporter Alderman Beverly Burger. If this action levied any prejudice, it was surely against the Elevate Slate, as it had been the subject of a well-financed, vicious and defamatory disinformation campaign leading up to election night. The record shows that Elevate chose not to combat negative claims, instead staying issue-focused and choosing to rely on convention speeches as a basis for persuading voters and showing them who the “real” grassroots conservatives were. The change in protocol in fact caused the Elevate Slate to miss the opportunity to speak to many voters from the podium and dispel the negative WCC campaign messaging.

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<sup>12</sup> See Affidavit of Stephen Hickey, attached as Exhibit K.

## 6. Candidates Denied Right to Appoint Observers

The WCC makes no specific allegation that any delegate requested and was DENIED the opportunity to appoint an observer. Further, it is incumbent on candidates to know the Bylaws and exercise whatever rights they think important. No candidate on the Elevate Slate other than Chairman Steve (Stephen) Hickey even asked to exercise this “right”<sup>13</sup> and the WCC makes NO allegation that anyone asked and was denied. Neither Sutton nor Ms. Kimberly Calcote state they were denied this opportunity, rather they both say they were *not offered* the opportunity. This is a vital difference. Nor did Mr. Brian Clifford insist that other WCC members be allowed to observe.

Calcote’s claims are easily dismissed. Emails show Deaver specifically asked each campaign for two (2) volunteers to oversee the polling and results, even though she was NOT REQUIRED TO DO SO under the Bylaws. One of the WCC’s volunteers, Mr. Chris Burger, was in and out of the room all night.<sup>14</sup> Mr. Brian Floyd oversaw the recount and acknowledged the spoiled ballots, contrary to Calcote’s claims.<sup>15</sup> Reports indicate the other volunteer, Ms. Abigail Arpin, was simply not observed during the entire process. The WCC somehow thinks the failure of THEIR volunteers alone justifies a COMPLETE REDO. This is not appropriate nor consistent with prevailing Tennessee law.

## B. Election Security and Integrity Violations

### 1. Early Opening of Registration and Convention Floor

Not only did this not prejudice the WCC, but it also probably helped them in view of their tactic of sandbagging the registration process. Early opening of registration gave “their” voters more time to appeal than they otherwise would have had. As the standard for entrants is that anyone IN LINE by 6:00 PM is permitted to register, getting more registrants checked in actually expedited the process, assisting the WCC given the fact that they waited so long to register “their” voters.

### 2. Open Access to Voting/Count Room

This claim, and its alleged support, is a masterwork in obfuscation and manipulation. This claim implicitly alleges election fraud by dedicated volunteers (including Clifford’s colleagues on the County Commission) without alleging specific acts of impropriety. By implying that anyone in the room COULD HAVE cheated, the WCC inadvertently admits they have no evidence of cheating. Again, the WCC argues jaundiced speculation instead of offering evidence. To take the extraordinary step of overturning an election, fraud that impacted the outcome must actually be proven. Lacking such evidence, the WCC again takes the reprehensible step of implicitly accusing any number of people of being probable cheaters without proof, including SEC officials. Presumably, this also includes Burger, who was supposed to be in the room as an observer. To our knowledge, Burger raised no concerns with the electoral process at any time and was noted to have been using the restricted exit door. Given the WCC’s logic, simply because he was in the room, we must also assume Burger was a probable cheater, likely hid ballots, and chances are, engaged in voter suppression on behalf of the WCC.

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<sup>13</sup> See Affidavit of Stephen Hickey (Exh. K.)

<sup>14</sup> See Declaration of Rob Sturgeon, attached as Exhibit L.

<sup>15</sup> See Affidavit of Stephen Hickey (Exh. K.)



Duda's statement tellingly does not support the claim of "open access." In fact, he notes that volunteers were stationed at the doors. He does not state the number, purpose, or identity of those entering the room, and makes no claim that the room was "open." He does not and cannot state if those entering received permission, were on a mission for Golden, were one of the 25 volunteers necessary to run the massive convention, or had some other specific benign purpose. According to Mr. Rob Sturgeon, he diligently policed the exit door, and describes very few permitted entrances, all of which were tightly controlled.<sup>16</sup> Duda does, however, note that, other than as otherwise described herein, no WCC "supporter" asked to be part of the process. This is very strange given that the WCC was very vocal during the campaign about imagined "voter suppression," but here failed to exercise oversight they were offered.

### 3. Questionable "Spoiled" Ballots

In Duda's statement, he addresses certain ballots. Duda has confirmed that spoiled ballots were replaced with valid ones to ensure voters had their votes counted.<sup>17</sup> According to Duda, the treatment of these ballots was sacrosanct during the tabulation process. They were kept in a separate place and entirely segregated by the Election Commission. At no time were these ballots ever at issue during the recount, overseen by Floyd. In fact, Floyd was fully aware of these ballots during the recount and did not ask to include them nor open the envelope in which they were segregated.<sup>18</sup>

According to Mr. Stephen Giraud, volunteer Judge of Spoiled Ballots, each spoiled ballot was treated by Mr. Chad Gray, Williamson County Elections Administrator, who placed each spoiled ballot into a manila envelope. A fresh ballot was then issued to the voter.<sup>19</sup> There were no unauthorized individuals involved in the process.

The WCC also claims that "unauthorized individuals" took ballots in order to "fix" them. Which individuals? And when? And isn't assisting in mitigating spoiled ballots a benefit if one is honestly concerned about "voter suppression?" The WCC provides no specifics. Lacking any evidence of fraud, the WCC again resorts to speculation and slander.

### 4. Chain of Custody Breakdown

Similar to the above, there are no actual claims here, nor proof of fraud offered. The WCC claims ballots were "never provided for inspection." They provide no evidence they ever asked the CCC and were denied ballot artifact access. They observed the tabulation and recount processes and saw the artifacts being sealed. At EVERY step in the process, their observers were permitted to be involved.

### 5. Bona Fide Republicans Denied Right to Vote

This claim is exceedingly silly and should be dismissed out of hand for the simple reason that every single statement the WCC puts forth has been issued by a voter that was eventually permitted to vote, with the exception of Mr. Justin Wilson. Wilson did not preregister and therefore did not have time to appeal his rejection, therefore rendering his statement not relevant here. As the Tennessee Court of Appeals has noted, "[n]o election is perfect, and honest mistakes sometimes occur. *Newman* at \*9. Any mistakes

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<sup>16</sup> See Declaration of Rob Sturgeon (Exh. L.)

<sup>17</sup> See Stmt. of Jonathan Duda (Exh. G).

<sup>18</sup> See Affidavit of Stephen Hickey (Exh. K)

<sup>19</sup> See Statement of Stephen Giraud, Exhibit M.

were quickly corrected. Given the HUGE list of last-minute registrants provided by the WCC, the likelihood of mistakes may have been increased given the WCC's own tactics. As noted above, the WCC intentionally sandbagged the registration process by falsely implying to voters that using THEIR link was "registration with the state."<sup>20</sup> Their voters' confidence in the WCC was in vain, as many were left with little time, if any, to appeal decisions. Nevertheless, all appeals were closely and carefully considered by the SEC.<sup>21</sup> If the WCC genuinely cared about the sanctity of the process, rather than gaming the system and hedging against anticipated defeat, they would not have misled voters and improperly harvested their data. And even IF there were honest mistakes made and some voters were incorrectly turned away, there is no guarantee as to how a delegate would have voted. Without any evidence of fraud, clearly any systemic mistake should affect both parties.

## 6. Campaigning and Electioneering in Voting Areas

This claim suffers from the same general defect as others. No actual fraud or harm is proven. Clifford himself was positioned right at the exit doors of the convention hall, shaking hands with every single voter he could. This DESPITE the fact that he was told and acknowledged (in an email submitted with the WCC's brief) that this was a prohibited practice.<sup>22</sup> A candidate with unclean hands should not be permitted to claim their OWN error as a basis to overturn their OWN electoral defeat.

The WCC fails to provide evidence of any voter who was influenced by any kind of campaigning in the voting areas. Delegates who "observed" electioneering are not named and no verifiable statements are given.

Most shocking, perhaps, is that instead of providing evidence, the WCC calls out Commissioners Mary Smith, Lisa Hayes (Lenox), Chris Richards, and Barb Sturgeon by name, and implies they were biased or somehow engaged in election fraud. They even falsely accuse sitting Commissioners of "handling all the ballots in the most rigged election in TN history."<sup>23</sup> These claims are provably false and defamatory and entirely refuted by the attached declaration of Commissioner Smith.<sup>24</sup> We have provided declarations of accused Commissioners stating that they in no way campaigned nor otherwise cheated during the election process.

Perhaps this stunt should not come as a surprise given WCC conduct already described. But this is a truly unconscionable and despicable tactic – publicly degrading the reputations of incumbent public servants and fellow Republicans as a means to their selfish ends. We propose that this conduct alone is so egregious that it should be grounds for censure or otherwise stripping WCC members of bona fide party status. Sanction is all the more justified in view of the claims addressed below.

## C. Conflicts of Interest

### 1. Biased Election Officials

Even against the backdrop of the WCC's litany of bad behavior, this claim is truly extraordinary. WITHOUT ACTUAL PROOF, the WCC accuses sitting Republican officials of bias, election interference and voter

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<sup>20</sup> See flyer received on or about February 15, 2025, attached as Exhibit N.

<sup>21</sup> See Decl. of Chris Morris (Exh. J.)

<sup>22</sup> See Declaration of Brian Clifford, Section 11.d. (Appendix A to the WCC Contest Brief), attached as Exhibit O.

<sup>23</sup> See social media post attached as Exhibit P.

<sup>24</sup> See Declarations of Smith, Richards, Hayes (Lenox), Sturgeon, Petty and Clements, attached as Exhibit Q.

intimidation. It is incomprehensible that those standing for Party leadership would make this kind of public and baseless claim. They offer no evidence or support, and only include the statements of Ms. Shauna Graham and Ms. Robin Baldree, who were candidates in the 2023 Reorganization Convention, and in that election defeated by members of the Elevate Slate (by Mr. Tim Raynaud and Mr. Elliott Franklin, respectively). Both Graham and Baldree simply confirm that certain Commissioners were in the room. They do not allege any misconduct, much less actual fraud. At any rate, and by any standard, serious accusations without evidence against sitting elected Republican officials should be punished by the Party, not entertained as serious allegations in an election contest.

## 2. SEC Member Bias

The WCC, having already committed to a pattern of abusive and immoral accusations against volunteers, private citizens and elected officials, didn't stop at sitting County Commissioners. The WCC targets the SEC, as well. Committeewoman Angie McClanahan did in fact pen a letter rebutting the WCC's misleading claims. The WCC apparently believes that they are themselves entitled to campaign recklessly with false claims; but any logical and fact-based pushback against their lies constitutes election fraud and makes any critic of their misconduct a liar and cheater. This is absolutely shameful.

Having finished with McClanahan, they then move on to Committeewoman Cyndi Miller and Committeeman Steve Allbrooks, both of whom the WCC would have us believe committed election fraud by their mere presence. Again, the WCC offers no proof, but is willing to ruin any reputation standing in the way of their selfish advancement.

As noted above in section B.5., each appeal cited by the WCC (involving denial of bona fide status of any potential registrant) was carefully considered. In fact, the SEC allowed the appeal of every Young Republican except one, even though these registrants did not have the three-out-of-four ( $\frac{3}{4}$ ) voting record required to be bona fide.<sup>25</sup> Presumably this benefited Mr. Steven Tyler Giorno (the Tennessee Young Republicans chairman) and by extension the WCC slate.

It should also be noted that in their brief the WCC raises issues related to the 2023 Convention as evidence of fraud and bias on the parts of Miller and Allbrooks. Email evidence proves that attempts were made to exclude both SEC members from meetings of the CCC. Given this provable and targeted attempt to circumvent and exclude the SEC from CCC meetings in flagrant violation of the Bylaws, any claims of bias against Miller and Allbrooks should be dismissed out of hand. We also submit that perhaps the attached email serves as evidence of the "secret" meetings the WCC laments, albeit in 2023 instead of 2025.<sup>26</sup>

## 3. Incumbent Advantage

Here the WCC appears to be complaining about the fact that, per the TRP Bylaws, the current Board is required to run the Reorganization Convention. And we agree with Clifford on this one statement: "Contestants all submitted their candidacies before the deadline to do so, but none of them ever received official notices that they had been accepted as qualified candidates." This statement applies to the Elevate candidates, as well, and no actual harm is alleged by this fact. Were Clifford's feelings hurt

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<sup>25</sup> See Decl of Chris Morris (Exh. J.)

<sup>26</sup> See email of Ted Boyatt to Cheryl Brown, Mary Kate Brown, Lynn Rhoades dated April 14, 2023, attached as Exhibit R.

that he never got such an email, in a breach of etiquette? We think this unlikely given the unrepentant and disrespectful accusations made by his slate during the campaign and in this appeal. Notwithstanding, a formality lapse is insufficient to overturn a valid election.

The WCC also appears upset that Chairman Miller extolled the achievements of the prior Board. It simply is his prerogative to do so, and the praise was not unearned. The WCC has not offered a SINGLE declaration from a voter who was swayed by Miller, but instead resorts to envious speculation and innuendo to support the extraordinary step of overturning an election.

#### 4. Denial of Poll Watchers

We have already answered similar claims above. The WCC had every opportunity to oversee every aspect of the election. They had volunteers assigned to the process at all times.

As to the “poll watcher” that was “chased away” by Deaver, this is a probable reference to Mr. Baxter Lee. Lee was not a “poll watcher” like Burger and Arpin, so this claim is a complete obfuscation. We will address these claims in our “Response” section below.

#### 5. Voter Intimidation

It is a relief to be at the WCC’s final claim because we, like the WCC appeal brief itself, are beginning to sound like a broken record. AGAIN, the WCC offers no actual proof of any of these claims. They throw around words like “intimidation” and noted a “hostile” environment. Their claim that “multiple [UNNAMED!] delegates” encountered “misleading information” would be laughable were it not so tragic – their campaign was predominantly negative and misleading, and in many instances employed provably false defamatory statements. They spend their entire brief accusing others without offering any actual proof. Nevertheless, the fact that they were booed is apparently grounds for overturning an election. This claim, like all the others, falls under the weight of its own obfuscation.

There’s a better explanation for why Clifford provoked the negative reaction he did from the audience. Clifford claimed from the podium that Hickey “finally admitted, on air, that they [Elevate] in fact plan to cancel primary elections in Williamson County.” Of course, anyone who had actually listened to the Mr. Dan Mandis interview that Clifford referenced knew this was a blatant falsehood.<sup>27</sup> The reaction to Clifford was as much shock and disbelief as it was disapproval.

#### **Response: Election Interference by the WCC**

Under any standard of evidence, this Convention was a fair one. But unfortunately, this fairness was hard-earned, because it was achieved despite the devious and malicious actions of the WCC to the contrary. In addition to what has been detailed above, we must point out that the only party guilty of election interference is the WCC. At the behest of the WCC slate, Lee (a vocal supporter of WCC and one of its major donors),<sup>28</sup> stood at the registration table with a clipboard, and repeatedly referenced “his” list.<sup>29</sup> The mystery of the “secret” WCC list is likely solved: the WCC, through its “observer,” Lee, evidently sought to use his own list, resulting in confusion from the very opening of the Convention by repeatedly contradicting the official state list with a list of the WCC’s own making. Lee’s behavior was the subject of

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<sup>27</sup> See Statement of Donald G. Beehler, attached as Exhibit S.

<sup>28</sup> See PAC donation list, attached as Exhibit T.

<sup>29</sup> See Declaration of Christine Deekens, attached as Exhibit U.

complaints and therefore we understand Deaver respectfully asked Lee to step away from his direct access to the registration table to a more proper “observer” position. This turn of events almost certainly forms the basis for the WCC’s misleading claim that “their” observer was “chased away.”

## CONCLUSION

Tennessee law is instructive and clear that mere procedural violations are not the basis for taking the extraordinary step of overturning an election. The WCC asks the SEC to take this monumental step in a 14-page brief with voluminous statements and attachments, but without proving a SINGLE instance of ACTUAL fraud. What is more, the WCC’s pattern of behavior and argumentation is HIGHLY troubling and rife with demonstrable, provable falsehoods, and at times sinister fantasy, casting serious doubt over any claims they make here or elsewhere. Speculation and defaming sitting officials and volunteers, and intimidating the children of opponents is not a substitute for proving actual fraud. Nor is it evidence of honest leadership. The WCC has provided nothing of substance. Their contest is therefore deficient and should be dismissed.

Accordingly, we hereby request that the SEC:

- **Dismiss this election contest, with prejudice, with an affirmative finding that the election was fair and valid;**
- **Further investigate Mr. Baxter Lee and other WCC members for possible direct election interference, including a subpoena of what “list” Lee had on his clipboard;**
- **Officially censure Mr. Brian Clifford, Ms. Ali Adair, Mr. Drell Floyd, Ms. Patti Carroll, Ms. Michelle Sutton, Mr. Steven Tyler Giorno, Ms. Kimberly Calcote, and Mr. Rob Verell (all of whom signed the brief and are therefore responsible for, and lend their names and reputations to, all claims made therein) for their actions, before and after the election, in committing acts of defamation against fellow Republicans and election volunteers, for intentionally sowing confusion amongst bona fide voters, for misleading registrants as to their registration status with the state, for alleging without evidence that members of the CCC and SEC committed acts of election interference, and for otherwise impeding the legitimate electoral process;**
- **Consider a change to the Bylaws that will permit SEC members to suspend the bona fide status of any person that commits the foregoing acts.**

In closing, the WCC’s conduct up to and including this appeal has been an offense to common decency and morality. Bearing false witness, as we are all taught as children means lying, misrepresenting, or creating a false impression about someone, and this is something that we as Republicans should not tolerate in our dealings with others. As we have shown in this Reply, the WCC has behaved with conduct unbecoming of the Party, and for that reason should be sharply condemned. We should not permit candidates and political consultants to sink to the lowest level of human discourse and justify that behavior as “mere politics.” Part of the calling of grassroots politics is to elevate political discourse above the dehumanizing politics-as-usual practice of using other people as a means to an end.

But the appeal here does not depend on our reliance on decency and respect. The facts show that the WCC’s appeal fails on a lack of evidence. There is no evidence of fraud or wrongdoing, and absent that evidence, the appeal falls. There is, on the other hand, ample evidence that the election was well run, as

presented above and additionally in other statements.<sup>30</sup> Here the WCC benefits from a generous appeal policy, but if this were a court of law they would be liable for sanctions for bringing an unsupported and frivolous action, and would likely be held to account for making reckless and untruthful accusations intended to malign the reputation of their opponents and other private citizens.

The Party should not simply dismiss this appeal, but sanction the WCC to send a strong message that conduct like theirs will never be tolerated. We can use this unfortunate episode as an opportunity to tell the Party, our County, and our children that we stand for something better than what's been put on display here.

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*Electronically signed by:*

**Stephen Hickey**, chairman; **Diane Chenard**, first vice chair; **Elliott Franklin**, second vice chair; **Courtney Laginess**, third vice chair; **Leigh Ann Cates**, secretary; **Peg Raciti**, assistant secretary; **Tim Raynaud**, treasurer; and **Brandon Bell**, assistant treasurer.

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<sup>30</sup> See additional statements of Fuller, Richards, Tiblier, Williams, Giraud, and Limpus, attached as Exhibit V.