

**Bylaw Amendments to be adopted at the  
CDP's Executive Board Meeting held on August 25, 2019 in San Jose, California**

**Adopted at the Rules Committee meeting held on November 17, 2018.**

Mr. Skolnick Bylaw amendments relating to the Legislation Committee

CDP Bylaws Article V, Section 5.g.

Legislation Committee:

It shall be the function of the Legislation Committee to propose legislation when needed, in response to duties and policies of the Party; to maintain a listing of all pending legislation that is of "must and/or major concern to the Party; and to keep a record of the vote by the Democratic Party legislators on such legislative items. The Legislation Committee shall ~~make recommendations and propose actions regarding such legislation, in consultation with the Chair of This Committee, organize and coordinate activities to advance Party positions on legislative priorities, including, but not limited to, lobby days with legislators, grassroots mobilization, delegate outreach, and as needed, shall advise the Chair of This Committee and make recommendations as to how to most effectively utilize Party resources for this purpose,~~ consistent with guidelines adopted by the Rules Committee.

**Adopted at the Rules Committee meeting held on May 31, 2019.**

Technical clean-up from Rules Chair

Bylaw Amendment submitted by the Rules Committee Chair

Move the following from Article II, Section 3,d to Article I, Section 3:

3. "Equal Division" shall mean that in all appointments elections and appointments to which this phrase applies, one half shall be self- identified female and the balance shall be other than self-identified female. A variance of no more than one (1) shall be allowed when the number concerned is an odd number. With regard to appointments made under Article II of these bylaws, the appointor shall be counted in determining whether or not Equal Division has been adhered to. With regard to elections, this rule shall only apply to the greatest extent possible if insufficient numbers of a gender should decide to run.

Wishon, Minton, Aponte Bylaw amendments regarding gender pronouns

**ARTICLE II**

Section 1.

c. There shall be no dual memberships. The membership of any Democrat who is elected or otherwise designated to hold an office named in subdivision (a) of this section who resigns or is removed shall terminate upon selection of their replacement. A member who becomes eligible for membership on some other grounds during ~~his or her~~ **their** two-year term shall inform the State Chair of the eligibility and identify the position which ~~he or she~~ **they** wishes to represent.

Section 4.

e. In order for the representative to be eligible to vote at the next meeting of This Committee, no later than February 7 of an odd-numbered year, or next business day if date falls on state holiday or weekend, the County Chair shall notify the State Chair of the Party in writing signed by ~~him or her~~ **the County Chair** of the names and addresses of the persons elected to membership of This Committee. Those committees which reorganize in January shall make this notification within three days of the elections held pursuant to subsection (c).

Section 7.

**NOTIFICATION OF APPOINTMENT OR ELECTION**

a. The Chair of This Committee shall notify each person appointed or elected as a member of This Committee:  
(1) That ~~he or she is~~ **they are** a member of This Committee;

Section 9.

a. Any member who has failed to pay the prescribed dues as provided in section 11 of this Article and any uniformly imposed fee included in the registration materials shall not be credentialed to attend any meeting of

This Committee until such time as ~~he or she has~~ **they** have satisfied ~~his or her~~ **their** dues and fee obligation by payment or waiver. Authority to hear and decided such issues rests in the Credentials Committee; provided, however, that denial of a dues and/or fee waiver may be appealed to the Statewide Officers of This Committee by the affected member.

b. This Committee may remove any member if, during ~~his/her~~ **their** term of membership, such member affiliates with or registers as other than Party Preference Democratic; publicly avows preference for another party; publicly advocates that the voters should not vote for the endorsed candidate of This Committee for any office; or who publicly gives support to or avows a preference for a candidate registered as other than Party Preference Democratic in the voter-nominated top two open primary.

### **ARTICLE III**

#### Section 2.

a. The State Chair shall be the chief executive officer and the official voice of This Committee, shall carry out the policies and purposes, and shall pursue its interests to the best of ~~his/her~~ **their** abilities.

d. The Secretary shall maintain all records of This Committee, shall serve all required notices, shall discharge such other duties as pertain to this office, and shall turn over at the end of ~~his/her~~ **their** term of office all records and documents associated with the office of Secretary to This Committee, except as may be otherwise noted herein.

e. The Controller shall have access to the financial records maintained by This Committee, shall prepare and deliver at each Executive Board meeting a report on the financial affairs of This Committee, shall serve as Chair of the Finance Committee, and shall turn over at the end of ~~his/her~~ **their** term all records and documents associated with the office of Controller to This Committee.

#### Section 4.

e. A candidate for Regional Director must be a member of This Committee, and may only file for Regional Director position of the State Party Region in which ~~he/she is~~ **they are** registered to vote. Should a Regional Director re-register outside of ~~his/her~~ **their** Region during ~~his/her~~ **their** term of office, ~~he/she~~ **they** shall be assumed to have vacated the office.

### **ARTICLE IV**

#### Section 1.

b. The State Chair shall call This Committee to order at the time set forth in the agenda mailed to each member, and as soon as practicable thereafter shall receive a preliminary report of the Credential Committee as to the list of certified members and proxies. The Officers of This Committee shall serve as the Officers of any meeting of This Committee and the Committees previously appointed by the Chair of This Committee shall serve as the Committees of any meeting of This Committee, as may be deemed necessary by the Chair of This Committee and subject to the right of the Chair to fill any vacancies on said Committees to insure a full complement of members. In the event there is no Chair of This Committee, the First Vice-Chair shall preside and act in ~~his/her~~ **their** stead.

#### Section 6.

a. Members of This Committee may be represented at any meeting of This Committee by proxy. A member may give ~~his/her~~ **their** proxy to a registered member of the California Democratic Party, of the same **or approximate** gender **identification** whenever possible, who is not already a member of This Committee subject to the following limitations:

(1) A member elected by a County Central Committee may only give ~~his/her~~ **their** proxy to a member, as defined by its by-laws, of the same County Central Committee.

(2) A member elected by an Assembly District Election Meeting may only give ~~his/her~~ **their** proxy to a registered Democrat resident in the same Assembly District.

(3) A proxy holder shall only vote in the district in which the person for whom ~~he/she is a~~ **their** proxy resides.

Section 7.

c. In the event a voter needs assistance as part of an accommodation under Article XIII, Section 1, the member, prior to the member casting ~~her/his~~ **their** ballot, may designate on a form prescribed by the Secretary of This Committee, in consultation with the Credentials Committee, any person to provide such assistance. The designation shall be signed by the member or it may be signed on ~~his/her~~ **their** behalf by another, if the direction to sign and signature is witnessed by another member of This Committee. Revocation or change of the person designated to provide assistance shall be recognized by This Committee only upon a signed and dated written request made by the member which is submitted to This Committee prior to the member casting ~~her/his~~ **their** ballot.

**ARTICLE V**

Section 2.

The Chair of This Committee, during ~~his/her~~ **their** tenure, may also consolidate, or if once done, deconsolidate, standing committees as deemed appropriate, subject to ratification by the Executive Board of This Committee.

Section 7.

SPECIAL COMMITTEES

The Chair of This Committee may appoint such special committees as ~~he or she~~ **they** deems appropriate.

**ARTICLE VI**

Section 1.

e. The Convener or ~~his or her~~ **the Convener's** designee shall preside at the Election Meeting as chair.

g. Each Election Meeting participant shall be asked, on a form provided by the Secretary of This Committee, to indicate ~~his or her~~ **their** willingness to assume an organizational responsibility for one or more precincts within the district or to assume another specified organizational responsibility for the Party. Copies of a list of the persons so expressing such willingness to assume responsibility and of the responsibility each person is agreed to assume shall be sent by the Convener to the Chair of This Committee and the Chair(s) of the appropriate County Committee(s).

i.(1) Upon conclusion of the election conducted pursuant to the previous paragraph, the Convener shall immediately transmit by telephone, fax or e-mail to the Chair of This Committee (or ~~his or her~~ **their** designee) the names and titles of those elected.

**ARTICLE VII**

Section 2. Executive Board Membership

b.(3.) County Committee representatives shall be divided as equally as possible between ~~men and women~~ **the genders as described in Article II, Section 3, Subsection e, in accordance with the Equal Division rule.**

Section 4. Executive Board Meetings

b.(1) At the call of the State Chair and at such time and in such place as ~~he or she~~ **they** may designate; or,

Section 5. Executive Board Voting

a. Members of the Executive Board may vote in person or by proxy. A person holding the proxy must be a member of This Committee but not a member of the Executive Board; no person may hold more than one proxy. A member of the Executive Board may give ~~his/her~~ **their** proxy to another member of This Committee who is not already a member of the Executive Board subject to the following limitations:

a.(1) If the member is a representative of a County Central Committee, such member may designate in writing as ~~his or her~~ **their** proxyholder only a person who is a member or alternate of the same County Committee.

a.(2) If the member is an Assembly District Representative, such member may designate in writing as ~~his or her~~ **their** proxyholder only a person who is a member of This Committee resident in the same Assembly District.

## **ARTICLE VIII: ENDORSEMENT OF CANDIDATES FOR PARTISAN AND NONPARTISAN OFFICE, AND ENDORSEMENT AND OPPOSITION TO STATE BALLOT PROPOSITIONS, INITIATIVES, REFERENDUM, AND RECALL**

### Section 3. Partisan Public Offices Than President

c.(3) Each candidate seeking the endorsement of the California Democratic Party shall be mailed, or provided via email, a link to a copy of This Committee's most recently adopted Platform, at least ten (10) days prior to the pre-endorsing conference, or in the case of a Special Election the endorsing conference, in the relevant district and shall submit to This Committee a non-reimbursable filing fee in advance of the first level of the process in which ~~his/her~~ **the candidate's** name is considered. The filing fee shall be set by the Finance Committee and duly adopted by the Executive Board at least six months prior to the ratification date for endorsement. All candidates seeking the endorsement of This Committee under Article VIII, Section 3 shall affirm in writing that they have read the most current Party Platform before they are eligible for consideration to be endorsed.

g.(6) No proxy voting shall be allowed at pre-endorsing conferences. In order to effectuate notice to all potential voters, and to determine and certify eligibility to vote, it shall be the responsibility of each Regional Director, with the assistance of the relevant County Committee Chair(s) and the Executive Board representative from each Assembly District to identify by name all persons who will be eligible voters at ~~his/her~~ **their** regional pre-endorsing conference and to transmit the names of all such voters to the State Chair, along with the Assembly District, Senate District and Congressional District in which each resides by a date selected by the Chair of This Committee and publicized on the Party's website that is between sixty (60) and ninety (90) days prior to the State Endorsing Convention. A roster of the certified eligible voters shall be maintained by that Regional Director and shall be provided to the Chair of This Committee and to each candidate who has requested consideration. In order to be a voting member of a pre-endorsing conference, an individual's membership must have been certified as indicated herein and ~~his/her~~ **their** name must appear, or have had the right to appear, on the certified roster as described above. Nothing in this section relieves a Democratic Club of its obligation to submit its roster to the Regional Director by the date selected pursuant to Section 3(g)(5)(c)(1)(a) above.

### Section 4. Nonpartisan Offices

b. A Democratic candidate for nonpartisan office who has been endorsed by ~~his/her~~ **their** County Central Committee shall also be considered to be the endorsed candidate of the California Democratic Party and shall be entitled to such privileges and benefits as may be attached thereto provided that: (1) The endorsing provisions of the relevant County Central Committee by-laws have been reviewed and approved by This Committee as consistent with its own By-Laws and with the fundamental rules of fairness to which the California Democratic Party is committed; and (2) A Democratic candidate who has been denied endorsement does not successfully argue before This Committee that there has been a significant violation of the endorsing provisions of the relevant County Central Committee when it rendered its endorsement. Any claim of by-laws violation must be filed with the State Party Chair within seven (7) days of County Committee endorsement. A 2/3 vote shall be necessary to uphold the violation claim.

## **ARTICLE X**

### Section 3. Denial and Revocation

a.(5) Transferring of organization's assets, including funds, from the organization's accounts to a non-Democrat running for elective office or ~~his/her~~ **their** controlled committee(s),

## **ARTICLE XII**

### Section 2. Jurisdiction

e. During the period 120 days prior to any Primary or General Partisan Election, the Compliance Review Commission may, upon written request by the Chair of This Committee, issue an Order of Temporary Suspension of Charter, for a period of thirty days, of any charter issued by This Committee, for alleged violation of any of the above provisions, provided the request of the Chair of This Committee for suspension sets forth in writing the reasons therefore, and said request is served on the Chair of the Organization in question at ~~his/her~~ **their** last known address of record on file with This Committee, the Secretary of This Committee, and the Chairs of the Rules, Credentials, and Organizational Development Committees of This Committee. In the event of the issuance of an

Order of Temporary Suspension of Charter, the Compliance Review Commission shall also issue an Order to Show Cause why the suspension should not become permanent and request written argument thereon be submitted to the Secretary of This Committee within ten days, after which the Compliance Review Commission may take action under Section 5 herein, including the issuance of an Order of Revocation of Charter or rescission of the Order of Temporary Suspension of Charter.

Section 8.

#### QUALIFICATIONS FOR RIGHT TO VOTE IN PRIMARY

No person shall be entitled to vote for a Democratic candidate at a partisan primary election unless ~~he or she is~~ **they are**: 1) a registered Democrat, or 2) registered as a Decline-to-State who requests a Democratic ballot, and is recorded as having done so.

### ARTICLE XIII

#### Section 8. Qualifications for Right to Vote in Primary

No person shall be entitled to vote for a Democratic candidate at a partisan primary election unless ~~he or she~~ **that person** is: 1) a registered Democrat, or 2) registered as a Decline-to-State who requests a Democratic ballot, and is recorded as having done so.

#### Section 9: Secret Ballot and the Voter's Right to Know

a. The Democratic Party is committed to:

- (1) the preservation of the right of the voter to a secret, secure, and counted ballot at the first determining step of the delegate selection process and the first level of participation at which an individual Democrat expresses ~~his/her~~ **their** personal and individual preference, and
- (2) the voter's right to know how ~~his/her~~ **their** representatives have voted.

b. Based upon Resolution of the DNC Rules Committee adopted on June 23, 1994:

- (1) voters at the first determining step of the delegate selection process and first level of participation shall have an absolute right to a secret ballot which is secure and counted when ~~he/she~~ **the voter** is expressing his/her **their** own personal and individual preference, and
- (2) no vote by secret ballot may be taken at any meeting of any official Democratic Party body beyond the first determining step at which an individual Democrat expresses ~~his/her~~ **their** personal and individual preference on an action that constitutes part of the delegate selection process for the Democratic National Convention.

#### Section 11: Notice by Web Posting

Publication of any Democratic Party notice via web posting will be considered valid if written notice (of the type specified in the applicable rule or By-Law) provides a link to such posting and the person(s) entitled to individualized notice of the information in question is/are afforded the opportunity to request that a copy of the text thereof be mailed to ~~him/her~~ **them** via U.S. Postal Service mail. The opportunity to make such a request must be explicitly referenced in any individualized notice provided to such person.

### ARTICLE XIV

#### Section 1. CONSENT TO EMAIL NOTICE AND PROCEDURES FOR OPTING OUT

a. If they have provided This Committee in writing with an email address at which they can be contacted, the following persons shall be considered to have consented to send and receive all notices via electronic means, including email:

- (1) anyone who seeks, or accepts, election or appointment to any position on or with or on behalf of This Committee;
- (2) the organization applying for a charter by This Committee and its officers;
- (3) anyone who files a challenge to or under any procedure set forth in these Bylaws and Rules or who participates as a challenger in such a challenge; and

(4) anyone who seeks the endorsement of This Committee to any office; to send and receive notices from This Committee by electronic means, including email.

Any person described in the previous sentence who has provided This Committee with an email address shall, by so doing, be deemed to have consented to send and receive email notices to or from This Committee at such email address as of the latter of (i) the date ~~he/she~~ **they** affirmatively terminates such consent or (ii) the conclusion of the process which triggered this consent; provided that any such person may, upon This Committee's actual receipt of a completed version of a form approved by the Secretary of This Committee, change the email address on file for use by This Committee.

TO: Executive Board, California Democratic Party  
FR: Rules Committee, California Democratic Party  
RE: Proposed Amendments to effectuate a Conduct Commission  
DA: 8/5/19

The following are proposed bylaws changes to effectuate a Conduct Commission adopted at a meeting of the Rules Committee on 7/23/19, pursuant to Article XV of the Bylaws of the California Democratic Party:

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## **ARTICLE I: NAME AND PURPOSE**

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### **Section 3. TERMS**

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d. All references to the “Code of Conduct” shall refer to the Code of Conduct adopted by This Committee, set forth as Appendix “A” to these bylaws.

e. All references to the “flow chart” shall refer to that document entitled “Process for Reporting Misconduct and Harassment”, attached hereto as Appendix “B”.

## **ARTICLE II: MEMBERSHIP**

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### **Section 8. QUALIFICATION FOR MEMBERSHIP**

A person is eligible for membership on This Committee only if such person is registered as affiliated with the Party at the time of election or appointment, maintains that status throughout their membership, and has agreed in writing to the Code of Conduct.

### **Section 9. REMOVAL FROM MEMBERSHIP**

\* \* \*

b. This Committee may remove any member if, during his/her term of membership, such member affiliates with or registers as other than Party Preference Democratic; publicly avows preference for another party; publicly advocates that the voters should not vote for the endorsed candidate of This Committee for any office; ~~who~~ publicly gives support to or avows a preference for a candidate registered as other than Party Preference Democratic in the voter-nominated top two open primary; or violates the Code of Conduct.

c. Removal of a member may be effected in the following manner: . .  
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d. Where a member has been accused of violating the Code of Conduct, removal may also be recommended to the Statewide Officers of This Committee by a vote of a majority of all members of the Conduct Commission.

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## ARTICLE III: OFFICERS

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### Section 2. DESCRIPTION OF DUTIES

a. The State Chair shall be the chief executive officer and the official voice of This Committee, shall carry out the policies and purposes, and shall pursue its interests to the best of his/her abilities, including, but not limited to:

(1) nominating an Independent Ombudsperson, in consultation with the Statewide Officers of This Committee, subject to approval by a majority vote of the members of the Executive Board present and voting. The function of the Independent Ombudsman shall be to received and process any complaints of the Code of Conduct and shall:

(a) not be a member or employee of This Committee,

(b) serve for a term of two (2) years,

(c) be subject to removal by a majority vote of the Statewide officers,

(2) preparing a list of Investigators, in consultation with the Statewide Officers of This Committee and subject to approval by a majority vote of the members of the Executive Board present and voting, from which the Independent Ombudsperson may select an Investigator to investigate a complaint of a violation of the Code of Conduct and to assist in the work of the Conduct Commission; who, in the judgment of the Chair of This Committee, are:

(a) professional investigators; and,

(b) who shall not be members or employees of This Committee,

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## **Section 6. REMOVAL OF OFFICERS**

An officer of This Committee ~~this organization~~ may be removed from office for misconduct or neglect of duty in office by the following procedures:

a. Any member of This Committee, or a majority of the members of the Conduct Commission, (hereafter, the Filer) may file a Statement of Charges to remove an Officer of this Committee (hereafter, the Accused Officer), being no more than 200 words, with the Secretary. If the Accused Officer is the Secretary of This Committee, all responsibilities of the Secretary with regard to this Section shall be carried out by the State Chair.

b. The Secretary, within seven (7) days of the receipt of the Statement of Charges, shall send to the Accused Officer by registered mail a copy of the Statement of Charges and a letter stating that the Accused Officer may either resign or file an Answer to the Statement, in not more than 200 words. Such Answer must be received by the Secretary within ten (10) days of the date that the Secretary mailed the Statement of Charges.

c. The Secretary, within seven (7) days following receipt of the Answer or the deadline for receipt of the Answer, shall issue to the Filer a Petition, which shall include the Statement of Charges and the Answer. If, within sixty (60) days of the date of the mailing by the Secretary of the

Petition, the Filer returns to the Secretary the Petition with the names and signatures of ~~20 (twenty)~~ thirty (30) current Executive Board members, an item for Removal of Officer shall be placed on the agenda of the next regular Executive Board meeting held at least seventeen (17) days after the submission of such Petition by the Filer to the Secretary. When the Statement of Charges is filed by the Conduct Commission, no additional signatures are required and shall be considered as the Petition referred to herein. Written notice of this agenda item must be mailed to the Executive Board no less than ten (10) days prior to the Executive Board meeting. Where the basis of a Petition is an alleged violation of the Code of Conduct, constituting sexual misconduct, as determined by the Conduct Commission, a Special Meeting of the Executive Board may also be convened to consider the Petition. A special meeting for purposes of considering such a Petition may be called by the Conduct Commission in consultation with the Chair of This Committee; In such circumstances the Chair of This Committee, or in the case of a Petition accusing the Chair of such violation, the Secretary of This Committee, shall provide written notice by letter or electronic mail to the Executive Board at least seven (7) days in advance of such a special meeting.

d. At said next regular meeting of the Executive Board, the item shall be the first item of business after the final credentials report. The Accused Officer may be removed by two-thirds (2/3) vote of all members present and voting, provided there is present and voting at least 33-1/3 percent of the membership of the Executive Board.

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## ARTICLE IV: MEETINGS

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### Section 2. SPECIAL MEETINGS

This Committee may hold special meetings in any of the following ways: upon call of the State Chair; upon call of the Executive Board; upon call of the Conduct Commission in consultation with the Chair, or in the case of a Petition accusing the Chair of This Committee of such violation, the Secretary of This Committee, as provided in Article III, Section 6,c of the Bylaws of This Committee; or upon the call of the State Chair within 15

days after receipt by the Chair of a written request signed by a majority of the members of This Committee.

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**Section 7. PARLIAMENTARY PROCEDURES ~~AND~~, VOTING, AND PUBLICATION OF CODE OF CONDUCT**

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b. In order to vote, and have one's vote counted, at any meeting of This Committee, its Executive Committee, or its Caucuses, a member must have timely:

- (1) paid their dues and fees to This Committee, or had them waived,
- (2) registered for the meeting, if registration was required,
- (3) obtained their credential prior to the closing of credentialing, if credentials were issued for the meeting, ~~and~~,
- (4) completed and returned to the proper authority any ballot that may be issued, and
- (5) agreed in writing to abide by the Code of Conduct.

The Code of Conduct and procedures for reporting violations of the Code of Conduct shall be distributed in advance to all participants in all California Democratic Party meetings, via a URL Link provided in the Notice of Meeting. Meeting organizers are strongly encouraged to have copies of the Code of Conduct available at all meetings, to ensure that all participants are given an opportunity to agree in writing as provided in Article IV, Section 7, b, (5), and have their votes counted, as well as to be available for review.

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**ARTICLE V: STANDING COMMITTEES AND SPECIAL COMMITTEES**

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**Section 5. STANDING COMMITTEE DUTIES AND RESPONSIBILITIES**

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**b. Rules Committee:**

It shall be the duty of the Rules Committee to keep the By-Laws and Rules of This Committee consistent with the aims and policies of This Committee, to propose changes in the rules and By-Laws and special rules when necessary, to promulgate forms for quarterly financial disclosure statements for the Statewide Officers, promulgate rules for the filling of vacancies in Regional Directorships, adopt guidelines for the Legislation Committee, promulgate rules for the conduct of Assembly District Election Meetings, to adopt guidelines upon recommendation of the Organizational Development Committee for the Chartering of Organizations under Article X of these bylaws, to advise the Secretary of This Committee as to what information is needed on the Application for Charter, approve or reject proposed Caucus Statements of Purpose and Intended Activity, promulgate Guidelines for Certification, Re-Certification, and Decertification of Caucuses, to advise the Secretary of This Committee as to what information is needed on the Application for Certification of Caucuses, certify and decertify caucuses, promulgate procedural rules for the operation of the Compliance Review Commission, recommend changes in the Code of Conduct as may be necessary from time to time, promulgate procedural rules for the operation of the Conduct Commission, make changes to the flow chart entitled "Process for Reporting Misconduct and Harassment" attached hereto as Appendix "B" to conform to these bylaws and the procedural rules for the operation of the Conduct Commission, to hear certain appeals from decisions of the Compliance Review Commission as specified in Article XII, and to interpret the rules and By-Laws when called upon by the Chair of This Committee or the Executive Board.

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**ARTICLE VI: ASSEMBLY DISTRICTS AND ASSEMBLY DISTRICT ELECTION MEETINGS**

**Section 1. ASSEMBLY DISTRICT ELECTION MEETINGS**

a. Regular, biennial Assembly District Election Meetings shall be held within each Assembly District in the State:

(1) The Election Meetings shall be held on the Saturday or Sunday of the weekends immediately prior to and following the second Monday in January in odd- numbered years, with such

meeting beginning no earlier than 10 am nor begin later than 3 pm, with the time for registration to be open for a two-hour period.

(2) Persons eligible to participate shall be all registered Democrats residing in the Assembly District, who have agreed in writing to abide by the Code of Conduct.

(3) Persons eligible to be candidates for Assembly District representative or Assembly District Representative to the Executive Board shall be all registered Democrats who were eligible to participate as such in the preceding General Election; provided however, that if a person turned 18, or became a United States citizen by virtue of naturalization, after the last day for registration for said election, execution on or before the end of the filing period referred to in Section 1(i) of the Article of a legally valid voter registration form showing a residence within the Assembly District shall constitute prima facie evidence of eligibility to participate; and has agreed in writing to abide by the Code of Conduct.

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**ARTICLE VIII: ENDORSEMENT OF CANDIDATES FOR PARTISAN AND NONPARTISAN OFFICE, AND ENDORSEMENT AND OPPOSITION TO STATE BALLOT PROPOSITIONS, INITIATIVES, REFERENDUM, AND RECALL**

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**Section 3. PARTISAN PUBLIC OFFICES OTHER THAN PRESIDENT**

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*c. Composition of Endorsing Caucuses, Timing, Qualifications for Candidate Consideration, Provision of Platform Link, Code of Conduct, Quorum, Written Ballot, No Endorsement Option, Number Endorsed, Vote Required:*

\* \* \*

Insert a new (4), as follows, and renumber accordingly:

(4) Each candidate seeking the endorsement of the California Democratic Party shall be mailed, or provided via email, a copy of the Code of Conduct. All candidates seeking the endorsement of This Committee under Article VIII, Section 3 shall affirm in writing that they have read, and agree to abide by, the Code of Conduct.

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## **ARTICLE IX: ELECTION OF DEMOCRATIC NATIONAL COMMITTEE MEMBERS**

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### **Section 4. ELIGIBILITY AND NOMINATION**

The name of any individual registered to vote as Party Preference: Democratic in the State of California who has agreed to abide by the Code of Conduct may be placed in nomination by a member of the Executive Board. The delegation shall adhere to the Equal Division Rule, unless an odd number of members is to be elected, in which case a variation of one shall be permitted. In the event of a tie vote, the winner shall be determined by lot.

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## **ARTICLE X: CHARTERS**

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### **Section 2. GRANTING**

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d. Charter shall only be granted upon recommendation of the Organizational Development Committee pursuant to guidelines adopted by the Rules Committee, which recommendation must contain a finding that the organization has adopted the Code of Conduct as part of its own bylaws, and that each member is bound by its terms.

### **Section 3. DENIAL AND REVOCATION**

a. This Committee shall have the power and authority to deny or revoke a charter of any organization, for cause by majority vote. Cause for denial or revocation shall include:

\* \* \*

(7) A finding of fact having been made by the Organizational Development Committee and concurred in by the Executive Board of This Committee that the organization has failed to act in, and/or has acted in a manner adverse or detrimental to, the best interests of the Democratic Party, including but not limited to:

- (a) a failure to adopt or maintain the Code of Conduct as part of its own bylaws with a provision that each member is bound by its terms, and/or
- (b) a willful, intentional, or repeated failure to address violations of the Code of Conduct within the organization,

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## ARTICLE XI: SPECIAL GROUP CAUCUSES

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### **Section 3. Guidelines for Certification, Re-Certification, and Decertification of Caucuses**

The Rules Committee shall promulgate Guidelines for Certification, Re-Certification, and Decertification of Caucuses, which shall include the process and conditions necessary to certify, re-certify, or decertify a Caucus caucus. These Guidelines shall include, as a condition of Certification and Re-Certification, a requirement that Caucuses adopt the Code of Conduct and make information about reporting processes for violations of the Code of Conduct readily available to members.

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### **Section 6. Decertification**

After notice and an opportunity to be heard, and upon a finding by the Rules Committee that a certified caucus Caucus has failed to:

- a. maintain compliance with the above,
- b. adopt or maintain the Code of Conduct as part of its own bylaws with a provision that each member is bound by its terms, and/or
- c. has willfully, intentionally, or repeatedly failed to address violations of the Code of Conduct within the Caucus,

the Executive Board of This Committee may decertify a Caucus by majority vote. In the event the Rules Committee should make a finding of non-compliance with the Guidelines, it shall report a recommendation to de-certify the Caucus specifically noting the grounds and basis for its decision. Such recommendation may only be overturned by the Executive Board of This Committee, by majority vote, but only if the Executive Board makes specific findings that the Rules Committee was incorrect in each of its findings that formed the basis of the Rules Committee's recommendation to decertify, or that all such defects have been remedied.

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## **ARTICLE XII: COMPLIANCE REVIEW COMMISSION AND CONDUCT COMMISSION**

### Section 1: Commissions:

This Committee shall have the following Commissions, which shall exercise quasi-judicial authority, with the duties as set forth herein below:

- a. The Compliance Review Commission, and,
- b. The Conduct Commission.

### Section 2: Compliance Review Commission:

**INSERT CURRENT ARTICLE XII, properly repaginated, as Section 2.**

**Make the following change to the existing language regarding Jurisdiction as follows (repaginated as it would appear):**

#### **b. JURISDICTION**

- (1) The Compliance Review Commission shall have initial jurisdiction over all challenges and/or appeals arising under these

Bylaws, except as pertains to removal or discipline of a Member, or removal or discipline of an Officer of This Committee,

Section 3: Conduct Commission:

- a. Composition: The Conduct Commission shall consist of five (5) individuals, who need not be members of This Committee, but must be registered Democrats. Members shall include at least two (2) members who are experts in the prevention of sexual harassment and at least one (1) member who has substantial experience in representing complainants.
- b. Nomination: The Chair of This Committee, in consultation with the Statewide Officers, shall nominate the members of the Conduct Commission.
- c. Ratification and Retention: Persons nominated by the Chair shall be submitted to the Executive Board of This Committee for consideration for ratification by a majority vote of those members of the Executive Board, present and voting, a quorum being present. At the conclusion of the Term of Office, if a member desires to maintain their position, and every two years thereafter, the Executive Board shall conduct a vote as to whether to retain that member on the Commission, and that member shall continue to remain on the Commission only upon receiving a majority of all votes cast.
- d. Term of Office: The Term of Office of each Member of the Conduct Commission shall start at the time of nomination by the Chair of this Committee (subject to the ratification provision above) and shall end at the first meeting of the Executive Board in the subsequent odd-numbered year.
- e. Vacancies: Any vacancy in the Commission shall be immediately filled by the same process and shall be for the remainder of the term.
- f. Duties: It shall be the duty of the Conduct Commission to:
  - (1) Work with the Independent Ombudsperson selected by the Chair of This Committee in consultation with the Statewide Officers of This Committee and approved by a majority vote of those members of the Executive Board, present and voting,

- (2) Receive reports regarding completed investigations of alleged violations of the Code of Conduct from an Investigator selected by the Independent Ombudsperson from a list prepared by the Chair in consultation with the Statewide Officers of This Committee and approved by a majority vote of those members of the Executive Board, present and voting,
- (3) Review such reports, including those that are relied upon for the denial or revocation of a Charter under Article X upon recommendation of the Organizational Development Committee, and,
- (4) Recommend discipline to the Chair and Officers. on the basis of such reports and recommendations of the Investigator(s), within thirty (30) days of the Commission's receipt of a written report by an Independent Investigator. Discipline recommendations may include, but are not limited to:
  - a. Private Admonishment;
  - b. Public Admonishment;
  - c. Suspension of Rights for a time period not to exceed 180 days;
  - d. Removal from Office; and/or
  - e. Removal from Membership,
- (5) Discipline: The Chair and Officers shall implement any recommendations as to discipline made by the Conduct Commission unless the Chair and Officers vote to depart from a recommendation by a two-thirds (2/3) majority vote and provide a written explanation for the departure,
- (6) When the Chair or an Officer is alleged to have violated the Code of Conduct, the Conduct Commission shall prepare a report with disciplinary recommendations and provide it to the Executive Board, which shall implement those recommendations unless the Executive Board votes to depart from a recommendation by a two-thirds (2/3) majority vote, of those present and voting.