CDP Rules Packet

June 14, 2020
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Meeting Testimony: All testimony will be accepted through the chat function in the order of 
the Agenda (when necessary). We ask that all participants refrain from using this function for 
any other purpose. All chats will be seen only by the moderator, so please merely indicate you 
wish to testify, as no other information will be transmitted to the Committee.

Process: Lead Chair/s will announce the section of the Agenda that they are accepting 
testimony for. When that window closes no more testimony for that section will be heard. Any 
random chats (anything other than timely signing up to testify) will not be acknowledged.
Sign-up: When noticed to do so - Submit, First & Last name; AD and Agenda Item for comment.

Please respectfully use this space as requested.
AGENDA ITEM III

ADEMs
Subcommittee Report
REPORT

To: CDP Rules Committee

From: CDP Rules Committee Subcommittee on Assembly District Election Meetings

CC: Emma Harper, Unique Wilson, Ben Seinfeld, CDP

Date: June 1, 2020

Re: Recommendations for Improvements of the ADEMs

The CDP Rules Committee Subcommittee on Assembly District Election Meetings (ADEMs), at its meeting today, discussed proposed changes to the ADEMs. The report below discusses the changes recommended by CDP Chair Rusty Hicks after receiving a report from the Ad Hoc Committee on Assembly District Election Meetings. The report was adopted in its entirety along with proposed bylaws amendments, which are submitted separately.

In addition, the Committee took notice of a variety of other suggestions to the ADEMs process that were outside the jurisdiction of the Ad Hoc Committee but took no action on them.

Introduction

As you are aware, when Rusty Hicks was elected chair of the CDP in 2019, he formed an Ad Hoc Committee on Assembly District Election Meetings to produce a report on the improvement of the ADEMs. That Ad Hoc Committee broke into various subcommittees and working groups and eventually delivered a report to Chair Hicks earlier this year. That report is available on the Party’s website. One of the features of the report produced by the Process Subcommittee of the Ad Hoc Committee was that it broke its analysis and recommendations into three broad areas:

1) Locations and Agenda
2) Vote Counting
3) Registration and Ensuring only Qualified Votes are Counted

In each of these areas, the Process Subcommittee provided options for improvements for the Chair to choose from.
Since then, Special Assistant to the Chair Ben Seinfeld and Party Services Director Emma Harper, in consultation with Subcommittee Chair Coby King, produced a detailed outline which implements Chair Hicks’ choices from the Ad Hoc Committee’s reports.

This report turns that outline into a narrative and also suggests a variety of amendments to Article VI of the Bylaws to implement the narrative.

Please note that much of what is in this narrative is NOT reflected in the bylaws amendments. Instead, many of the recommendations (including very important ones regarding registration and methods of vote counting) will be implemented through a thorough rewrite of ADEM Procedures. The Subcommittee recommends that we use the Bylaws to drive overall policy but leave many of the details in the Procedures so as to provide flexibility to staff in implementing this new process for the ADEMs.

Also, please note that all references to “The Chair” unless otherwise indicated, are to the Chair of This Committee (the CDP Chair).

I. **Convener, Location and Agenda Issues**

**Convener**

It is recommended that the Chair, in consultation with the appropriate Regional Director, select conveners for each ADEM location.

**Location Selection**

The following recommendations are made:

1) A set of criteria, including the following, shall be used in selecting ADEM locations and shall be referred to in the Bylaws and promulgated in the Procedures
   a. ADA compliance, including path of travel all the way from parking to registration and voting tables. No stairs, regardless of elevator availability, since elevators can fail.
   b. Sufficient room for queuing, preferably inside the building, but if necessary to include outside portions, they must be protected from the elements
   c. Sufficient parking
   d. Sufficient room for registration tables, which may be dramatically increased in number
   e. Robust cell service and preferably strong Wi-Fi service.
   f. Preferably, access to transit
g. Provides a reasonable balance between population centrality and geographic centrality

2) The Chair shall, in consultation with the appropriate Regional Director and convener, select the location.

3) The chair shall determine whether a specific Assembly District will have more than one location and whether in certain circumstances, an ADEM location may serve more than one Assembly District.

4) All locations decisions will be subject to an expedited challenge process to the CRC

Agenda and Speeches

As many know, the ADEMs evolved out of old Assembly District Committees, which met occasionally to conduct a variety of items of business. When these Committees were eliminated and replaced with the ADEMs, the meetings sometimes included other items of business besides the election, including elected official remarks, announcements of events, etc. However, with the growth of the ADEMs, for the most part these extra items have been eliminated in favor of making the event more like an election polling place and little more.

Speeches by ADEM candidates are one of the few vestiges left over from the early days, mostly because they are directly related to the election process. However, anecdotal evidence suggests that these speeches have become less and less relevant to the outcome of an election, with most of the organizing work done in advance, particularly by various slates. Changes a few years ago allowed speeches to start while registration was still being conducted, further reducing their relevance.

After consulting with Chair Hicks and staff, Coby King recommends, and the Subcommittee concurs, that on-site speeches be eliminated and that candidates be allowed to provide, in addition to their current statement, a link to a speech on the platform of their choice.

Further, it is recommended that the ADEM be open for 5 hours for registration and balloting, plus any time necessary for those in line at the end of the five-hour period to register and vote.

Electioneering

Electioneering has become too aggressive for many participants. After consulting with Chair Hicks and staff, Coby King recommends, and the Subcommittee concurs, that electioneering be barred in the room where registration and voting takes place.
Staffing

This report recommends a significant increase in staffing for the ADEMs, with the numbers of staff and volunteers needed estimated from the previous cycle’s attendees, plus a percentage increase.

II. Vote Counting

Introduction and Scantron Technology

The Ad Hoc Committee started with a consensus that the current system was untenable and deeply problematic. Vote counting can take many hours and given human frailties, accuracy is often an issue. As with so many other aspects of the ADEM process, what may have worked 10 years ago when the number of participants was substantially smaller no longer works when participant totals number in the many hundreds, especially given the desire to substantially increase the number of participants in future cycles.

After much study and research, the Ad Hoc Committee submitted three proposals but recommended that some sort of automated system utilizing scannable forms be implemented. Mike Thaller deserves particular credit for researching the possibilities and CDP staff and I refined the proposal. Coby King recommends, and the Subcommittee concurs, the following system for adoption:

Eliminate hand-counting and move to a system of automated counting of written ballots utilizing Scantron technology. This solution offers a great deal of flexibility in size and shape of the ballot, allows for barcoding (for location only or to include other information, at the CDP’s option) and of course, accurate and rapid counting of the votes.

The biggest downside to the technology is that it is not inexpensive, as research indicated that scanners can cost about $7000 each. Assuming each location would need at least one scanner, this could get very pricey quickly.

The other downside to a Scantron system is that substantial investment in training would need to occur. While the scanners are relatively simple to use, training would have to ensure that every person responsible for transporting, setting up, and using the scanner understands exactly how to do so. Further, the scanners, if owned by the CDP, would need to be maintained. Also, provisions would need to be made for the inevitable breakdowns and malfunctions that come with any technology-based solution.
These are significant obstacles, especially for the implementation of a new system. On balance, staff suggested and Coby King agreed that we start with a system of centralized counting at CDP headquarters. This would both reduce the cost of the scanners very substantially and would also eliminate most of the issues relating to training and maintenance.

**Chain of custody**

The biggest challenge with centralized counting is chain of custody issues. Therefore, the CDP will have to put into place very strict protocols as to how ballots are received, how they are counted, and how they are transmitted to the CDP for counting.

After much discussion of this issue with Ben Seinfeld, Coby King recommends, and the Subcommittee concurs, that after the last participant has voted, a public process in full view of as many observers as is practical be followed as follows:

1) Declare the balloting closed
2) Remove the ballots from the box
3) Follow a procedure to accurately count the number of ballots (not the votes on the ballots)
4) Fill out a form indicating the number of ballots received, signed by everyone who participated in the counting
5) Place the ballots, along with any other supporting materials, back into the box, which will also serve a shipping package
6) Seal the box with security tape provided for that purpose
7) At least two people accompany the ballot box to an overnight shipping facility and drop off the box for shipping to the CDP (as an alternative, we may want to actually drive the boxes to one or more CDP locations for counting)
8) At the CDP, the boxes will be stored in a secure location.
9) Once the boxes are received, Scantron counting will commence via a live-stream, and the results will be posted to the Party’s website
10) The ballots will be made publicly available via a database of PDF images.

**IMPORTANT NOTE**

As detailed below, while every ballot can be scanned, the voter verification process that is recommended to be implemented will provide the opportunity to eliminate those ballots that are ineligible (usually either because the voter was not registered as a Democrat or was not registered within the Assembly District).
Ballot Design

The Scantron technology will provide the CDP with much flexibility for ballot design and can be coded to include information beyond the actual votes, such as the location of the event. And while ballot design should be left to staff, staff and Coby King recommend, and the Subcommittee concurs, that each side of the ballot be used for one gender, and that the order of names on the ballot match, to the extent possible, the order that candidates filed their registration.

Online Voting

Note that the Ad Hoc Committee considered on-line voting as well. I believe that while online voting can work where one is operating in a closed system, where the universe of all voters is known and can be verified, an open system such as the ADEMs is much more difficult to keep secure and not practical or recommended at this time. Further, online voting raises equity issues that are difficult to resolve.

Executive Board Representative

Currently, a separate election for E-Board representative is conducted at the same time as the 14 representatives to the DSCC via a separate ballot. However, because of eligibility requirements, occasionally (but regularly), the person who received the most votes in the E-Board race is not eligible to hold the seat. Under the current bylaws, when that occurs, the candidate for DSCC who received the most votes is offered the position. If that person declines the position, then at the next Convention a caucus of the DSCC members from that Assembly District (EXCEPT for those DSCC members who hold their DSCC position as a county committee representative) would meet to select among themselves the E-Board representative.

After considering the Ad Hoc Committee recommendations and input from Chair Hicks and staff, I recommend the following relatively simple system: Offer the position to the highest vote-getter among the 14 winners. If that person declines, offer the position to each of the next 13. In the unlikely event that all 14 winners decline the position, then default to the caucus at the next Convention which currently exists in the Bylaws. Tie-breakers as necessary will be detailed in the ADEM Procedures.

This system will eliminate the separate ballot for E-Board representative and simplify the process substantially.
III. Registration of Participants and Preventing the Ballots of Non-Qualified Persons from Counting

Introduction

While the issues of location and vote counting can be extremely frustrating to ADEM participants and candidates alike, the issue of registration and assuring that the only votes that count are those cast by Democrats who live in the district are not only a source of frustration but also cut to the very heart of the integrity of the ADEM and its results. As the Ad Hoc Committee discussed on multiple occasions, dealing with these issues requires balancing a variety of interests, including keeping the registration lines to a minimum, insuring only Democrats resident in the district vote, avoiding unsustainable use of CDP staff resources, and the desire for a secret ballot.

As to the secret ballot, the Democratic National Committee has long held that when someone casts a vote as a “representative” of someone else, such a ballot must be “open.” That’s why all votes that take place at Conventions, Executive Board Meetings or Pre-Endorsing Conferences are either “public” (such as votes on the Convention or E-Board floor) or by signed ballot.

In contrast, ADEM voters are not voting as “representatives” of a larger group, they are voting for themselves only, similar to a state or local election. The CDP has in the past taken the position that such votes must be secret. However, research has confirmed that the DNC does not in fact require a secret ballot in such cases. Given this the Ad Hoc Committee understood that while there be may a (reasonable) preference for a secret ballot, it is not required and this opens the door for considering other options, including a public ballot and a “modified secret ballot,” as explained below.

To deal with the issues, the Ad Hoc Committee focused its discussions on proposals that did not make the registration lines worse and provided a solution that would eliminate the possibility that challenges based in ineligible voter participation would result in the ADEM needing to be rerun. In addition, solutions that would require all participants to pre-register or for staff to verify every participant’s eligibility before casting a vote were not considered because they would violate the principle of a meeting open to participation by all resident Democrats (in the former example) or would unduly burden CDP staff (in the latter). Further, any proposal requiring every participant to verify their registration either beforehand or on-site was scrutinized carefully to ensure that a participant waiting on the already-too-long registration lines would not find their wait time doubled or tripled.
Pre-registration

One of the aspects on which the Ad Hoc Committee focused was utilizing pre-registration to either verify eligibility to vote in the ADEM or simply speed up the registration process. The Ad Hoc Committee agreed that depending on which registration method was ultimately used, pre-registration should be incorporated into it. The Ad Hoc Committee noted that all candidates must be registered, and that CDP staff takes the time to verify each and every one of those candidate registrations. However, this is generally impractical when considering the tens of thousands of participants in a typical ADEM cycle.

At the end of the deliberations, the Ad Hoc Committee concluded that a pre-registration system should be utilized that could speed up the process both for those who utilize it and for the ADEM as a whole, since pre-registrants would not have to go through the full registration process at the ADEM. However, it was agreed that only a small percentage could be expected to pre-register and that pre-registration prior to arrival at the ADEM location could not be mandatory, at least for the next cycle or two.

Further, it was agreed that any pre-registration system would have to be automatic (in that it would not require staff manual verification) and that if a person was not able to or chose not to utilize the pre-registration system, they would simply attend the ADEM and go through the same registration system as anyone else. Finally, if a person discovered that they were a resident of the district but not registered to vote or registered as a Democrat, they could always fill out a registration card on-site and vote.

The Recommended New System

Registration: Online and Manual

The crux of the recommended system is an online registration system which can be accessed from a computer or smart phone ahead of the ADEM or after arrival at the ADEM on one’s smartphone, even while standing in line.

It is very important to understand that while this is a form of online registration, the system does NOT verify a participant’s eligibility to participate. It is simply a method to enter a participant’s information into the database so as to allow speedy post-ADEM eligibility verification. It is the strong opinion of Coby King that attempting to perform verification in advance would cause unacceptable slowing of the system and significant issues at the ADEMs that the convener and volunteers would not be able to handle.
The online form would ask for enough information to later verify the participant’s eligibility. After submitting, the system would generate an identification code that would be presented at registration. That online code would then be entered directly onto the ballot, allowing post-ADEM eligibility checks.

Note that no personally identifiable information (name, phone number, email address, etc.) will be entered onto the ballot itself. The numbers are used primarily to eliminate ballots of participants who are later found to be ineligible. In addition, the information that is collected from the online form submission will be used for CDP outreach purposes (and a disclaimer to that effect will be included on the form).

For those who do not want to or cannot use the online registration system (either prior to or at the ADEM), paper forms may be used instead. Upon completion of the form, the registrar shall assign a registration number and enter that on the form the participant filled out and on the registration sheet along with the ballot number. If the form is so illegible that the participant’s eligibility cannot be determined, then that participant’s ballot will be rejected.

Finally, if a participant (who either registered electronically or by paper form) is unsure of their registration status, they may fill out a new registration form at the ADEM.

**Verification of Eligibility**

After the ADEM is completed, all names will be submitted for an eligibility check.

First, the names of all participants will be sent to a third-party vendor (such as PDI) for an independent check. If a participant cannot be verified as eligible, that participant would receive a notice and be asked to provide proof of eligibility within 48 hours. If the participant cannot or does not provide that proof, then the person’s ballot (identified by their unique ballot number) would be pulled (either manually or electronically), and after the process is completed, the ballots would be recounted with ineligible ballots removed.

Note that under this system, eligible ballots are never matched to individual participants and thus the secrecy of their ballots is maintained. Further, only CDP staff or a third party vendor would be able to match ineligible participants to their ballot.

**Non-citizen participation**

The Chair has expressed interest in allowing non-citizens to participate in ADEMs. Scott Rafferty has drafted a memo that would allow non-citizens to pre-register in a manner so that
confidentiality is maintained. That memo was separately provided to the Chair. The Ad Hoc Committee recommended that the memo be implemented to allow non-citizens to participate.

**Pandemic Issues**

As with everything else the CDP is planning these days, CDP staff must be prepared to make alternative arrangements that are in keeping with public health orders in effect at the time of the ADEMs.

**Conclusion**

Thank you for the opportunity to submit this proposal.
Bylaws
Amendments to Article VI
approved by the Subcommittee
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 for the purpose of electing from each Assembly District 14 members to this Committee and one representative to the Executive Board:

(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.

(4) The Convener of the Election Meeting shall be selected by the Chair of this Committee in consultation with the Regional Director responsible for the Assembly District, no later than September 15 of the year prior to the ADEM meeting. Should no person be selected by September 15, the Chair of This Committee shall select a person. The selected Convener must be a registered Democrat and pledge not to seek a DSCC seat nor an Executive Board position from that ADEM.

b. Locations

(1) There shall be at least one ADEM location in each Assembly District.
(2) Prior to the 2021 ADEMs and\textsuperscript{1} prior to the first ADEMs after each decennial reapportionment is finalized, the Chair of This Committee shall publicize a list of Assembly Districts in which more than one ADEM location shall be established. In deciding which Assembly Districts shall have more than one location, the Chair shall consider whether there exists good cause to do so. For the purposes of this subsection, The Convener of the Election Meeting may request a variance from the date, time, and registration period duration of the Election Meeting as set out in Article VI, section 1.a.(1) to another date and time during the second weekend in January in odd-numbered years, or to allow for the holding of the Election Meeting simultaneously at more than one site in the Assembly District, or to modify the duration of the registration period, by filing an application with the State Chair by November 1, or next business day if the date falls on a state holiday or weekend, of the year preceding the holding of the Election Meeting showing good cause for such a variance. "Good cause" may include the necessity of traveling very long distances, traveling in heavy traffic through dense population centers, or traveling in hazardous weather conditions. The State Chair must reply by November 10, or next business day if the date falls on a state holiday or weekend. It is the intent of the Executive Board that the two weekends be utilized to spread the Election Meetings within a particular Region over the two different weekends. It is also the intent of the Executive Board that the provision for the simultaneous holding of more than one meeting is meant to apply primarily to the very large districts connected by often closed mountain passes. Such decisions may be adjusted for each ADEM cycle, but will otherwise carry over from the previous ADEM cycle, until the finalization of the next reapportionment.

(3) In consultation with the Regional Director(s) resident in the Assembly District and with other local interested persons appointed by the Chair, and consistent with paragraph (2) above, the Chair shall identify one or more appropriate locations in each Assembly District by November 15 of the year preceding the ADEM. The location selection shall be guided by criteria provided in the ADEM Procedures and shall be posted on the Party’s website.

(4) For the convenience of Democrats registered in geographically large Assembly Districts, The Chair of This Committee may designate one or more ADEM locations to serve more than one Assembly District, as long as each Assembly District is served by at least one location within that Assembly District.

\textsuperscript{1} The language “Prior to the 2021 ADEMS and” shall be deleted from these Bylaws upon the finalization of the reapportionment following the 2020 Census.
(5) Challenges on location decisions:

(a) Any member of This Committee may challenge location decisions affecting the Assembly District in which they are registered to vote to the Compliance Review Commission by November 22 of the year preceding the scheduled ADEMs. Such filings may challenge decisions as to specific locations or as to the number of locations for a particular Assembly District.

(b) As to challenges concerning specific locations, such an appeal must contain an immediately available alternative to the selected location that also meets the location criteria in the ADEM Procedures at a similar cost. The Compliance Review Commission may, in its sole discretion, dismiss such a challenge if it does not contain the required information on an alternative location as to its availability and suitability.

(c) Notwithstanding any other language in these Bylaws, the Compliance Review Commission may follow an expedited schedule to make a decision by December 15, and the decision of the Compliance Review Commission on matters in this subsection shall be final.

c. The Chair of This Committee, in consultation with the appropriate Regional Directors and the Conveners shall, no later than November 15 of the year preceding the holding of the Election Meeting, or next business day if date falls on state holiday or weekend, publicize on the Party’s website notify the Chair of This Committee and the Chair of each County Committee which lies wholly or in part in the district of the date, time, and place of the Election Meetings. Failure to do so by that date shall empower the Chair of This Committee to designate a new Convener who shall provide such notice no later that December 3 of the year preceding the holding of the Election Meeting, or next business day if date falls on state holiday or weekend. The Chair of This Committee shall post this information on the Party’s website.

d. The Convener and the Chair of This Committee, as indicated below, shall make every reasonable effort to make known to all registered Democrats in the Assembly District of the date, time, place, and purpose of the Election Meeting, the rules for participation in the Election Meeting, and the filing deadlines and rules for candidates for delegate, by transmitting notice of the Election Meeting no later than December 21 of the year preceding the holding of the Election Meeting, or next business day if date falls on state holiday or weekend, to the following persons:

(1) All members of This Committee residing in the District (to be notified by the Chair of This Committee).

(2) All members of the County Committee residing in the District (if one or more
counties lie wholly within the District, then the notice shall be transmitted to all members of those County Committees (to be notified by the Convener, to the list of members to be obtained from the Chairs of any County Committees which lie wholly or in part within the Assembly District).

(3) All attendees of the previous Assembly District Election Meeting (to be notified by the Chair of This Committee).

e. Proof of compliance with the provisions of the preceding subsection shall create a rebuttable presumption of compliance with Article XIII, sections 3, 5 and 6.

f. The Convener or the Convener’s designee shall preside at the Election Meeting as chair, and Convener shall be responsible for conducting the Election Meeting in conformance with the ADEM Procedures in effect at that time, forward a list of names, addresses, e-mail addresses, and phones of all persons attending the Election Meeting as participants to the Chair of This Committee within three days after the Election Meeting is held.

g. In order to receive a ballot, each Election Meeting participant shall agree be asked, on via a form provided by the Secretary of This Committee, to allow the Party to use the contact information they submit as part of the registration process for outreach purposes, indicate 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).

h. The Rules Committee of This Committee shall promulgate ADEM Procedures governing the organization and conduct of the Election Meetings, including the election of 14 delegates to This Committee as set forth in Article II, Section 5, and one representative to the Executive Board, as set forth in Article VII, Section 2(e), which Rules Procedures shall include, for candidates for delegate and for candidates for Representative to the Executive Board, a filing fee of $30 (which may be waived due to hardship and such waiver shall be available as an option online and on all written forms) for candidates for delegate, a filing period of 30 days which shall start 60 days prior to date of the first biennial Assembly District Election Meetings and end 30 days after that date, and call provide for the posting of eligible candidate names (to be updated no less than once per week starting with the opening of the filing period) on the Party's website, along with statements by the candidates, with the proviso that such statements be no longer 2400 characters and shall not mention the name of any other candidate. Statements shall be published as submitted; no additions, corrections, or other edits shall be made once submitted. Candidate may also provide a link to a video campaign statement as long as such statement does not mention the name of any other candidate.
i. Post-ADEM Procedures:

(1) When the time for balloting has ended according to the ADEM Procedures, the Convenor shall proceed to count the number of ballots (but not the votes) according to the ADEM Procedures. Upon conclusion of the election conducted pursuant to the previous paragraph, the Convenor shall immediately transmit by telephone, fax or e-mail to the Chair of This Committee (or their designee) the number of ballots and names and titles of those elected. The ballot box shall be sealed with the voted ballots, blank ballots and all supporting materials, and delivered to one or more addresses designated by the Chair of This Committee.

(2) Upon receipt of the ballot boxes, and after a process to verify participant eligibility is completed, the Chair of This Committee (or his designee) shall cause the eligible ballots to be counted and shall publicize the results on the CDP’s website. The Chair shall then start the process of offering the position of Assembly District Representative to the State Executive Board to the appropriate persons as provided in subsection (j)(1) below. Upon acceptance of the position, those persons’ names shall also be so publicized. Within 72 hours of the conclusion of the election conducted pursuant to the previous paragraph, the Convenor shall transmit to the Chair of This Committee various materials as detailed in the procedures governing the conduct of the Election Meeting, including but not limited to the sign-in sheet listing the participants in the Election Meeting, the election results, the ballots, a copy of the list of the persons expressing willingness to assume district level or other responsibilities and of the responsibility each person agreed to assume, and whatever dues are collected at the Election Meeting.

3) Failure by the Convenor to return the materials referred to in the previous paragraph shall result in the withholding of that Convenor’s credential to, or ability to register for, any meeting of This Committee and its Executive Board for the remainder of the term, until such time as the Chair of This Committee certifies that the materials have been returned as required or upon the Chair’s finding of good cause, waives same.

j. Assembly District Representatives to the State Executive Board:

(1) An Assembly District Representative to the State Executive Board shall be chosen at each Assembly District Election Meeting as follows: after the results are finalized, from among those persons who will be delegates (resident in the respective Assembly District) to the forthcoming biennial convention of This Committee by virtue of being a member of This Committee pursuant to Article II, Section 2b, 2d, 2e; Article II, Section 3; or Article II, Section 5. In the event that no qualified candidate is elected at an Assembly District Election Meeting, then the highest vote-getting candidate
for Assembly District Representative shall be provided the opportunity to serve as Executive Board Representative if that person so chooses. If that person declines to serve as Executive Board Representative, then the opportunity shall be offered to each new delegate in the order of votes received. Any ties shall be resolved by methods provided in the ADEM Procedures. If all delegates elected at the ADEM decline the opportunity, then a caucus of those members of This Committee from the resident in the Assembly District as described above (except those elected by a county committee pursuant to Article II, section 4), shall meet at the next meeting of This Committee to elect an Assembly District Representative to the State Executive Board, who must be qualified under the same criteria as used for direct election at the Assembly District Election Meeting.

(2) In the event that an Assembly District has not been represented at two successive meetings of the Executive Board, the Representative shall be subject to removal from the board upon notification of the Regional Director in whose region the Assembly District is contained.

(3) In the event of a subsequent vacancy of the office of Assembly District Representative to the State Executive Board (either by operation of this subsection j(2) or otherwise), the Regional Director for the applicable Assembly District shall call a public meeting of the members of This Committee resident in the Assembly District, who shall fill the vacancy from among those persons enumerated in paragraph (1) of this subsection j. This meeting shall be called with at least 10 days notice to the members of This Committee resident in the Assembly District. For the purpose of this meeting only, a quorum shall be 5 (five) members of This Committee resident in the Assembly District. Once the vacancy is filled, the person who called the meeting to fill the vacancy shall notify, in writing, the State Chair of the Party of the selection made pursuant to this subdivision.
Additional Technical Changes to Article VI
Additional Technical Amendments

After reviewing the proposed amendments with staff and others, I am proposing some technical changes to the draft:

1) Date of the ADEMs

Article VI, 1, a, (1) is revised as follows:

(1) The Election Meetings shall be held on the Saturday or Sunday of the weekends immediately prior to and following the weekend when the Martin Luther King, Jr. holiday is celebrated second Monday in January in odd- numbered years, with such meeting beginning no earlier than 10 am nor begin later than 3-2 pm, with the time for registration to be open for a four-hour period.

This is to reduce ambiguity in the dates when the ADEMs take place. The current language is not clear. Also, based on feedback, we are proposing doubling the registration period to four hours and moving the latest start time up to 2 pm.

2) Filing Period

In Article VI, 1, h, the following clause is revised to read:

a filing period of 30 days which shall start 60 days prior to date of the first biennial Assembly District Election Meetings and end 30 days after that date the start of the filing period

The changes in the proposed amendments including clarifying the filing period. However, those changes were still ambiguous, and these changes will clarify the language.
AGENDA ITEM III

Additional recommended Procedures and bylaws amendments
Change to CRC Procedures:

Section 7: APPEAL

A. All appeals of decisions of the Compliance Review Commission subject to appeal must be received by the Secretary of This Committee, with copies to the Chair of This Committee, within twelve (12) days of the decision of the Compliance Review Commission.

* * *

H. The CRC shall determine whether a decision is subject to appeal and, if so, if it is an appeal is to the Credentials Committee or to the Rules Committee in any order it issues.

Miscellaneous Bylaws Changes:

Change Article XII, Section 2, (e), (1) to read:

All appeals of decisions of the Compliance Review Commission subject to appeal must be received by the Secretary of This Committee, with copies to the Chair of This Committee, within twelve (12) days of the decision of the Compliance Review Commission. Upon receipt of an appeal, the Secretary shall notify the members of the Compliance Review Commission, the Chair of This Committee, and the prevailing parties of the receipt of an appeal. All responses shall be filed with the Secretary of This Committee with copies to the Chair of This Committee, the members of the Compliance Review Commission and the appellants, within 12 days of receipt of the appeal by the Secretary of This Committee.

STRIKE Article XIII, Section 9 a and b and amend to read as follows:

Section 9. SECRET BALLOT AND 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 national delegate selection process,

(2) the voter’s right to know how their representatives have voted.

b. Based upon Resolution of the DNC Rules Committee adopted on June 23, 1994 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 their personal and individual preference on an action that constitutes part of the delegate selection process for the Democratic National Convention.
Misc. Materials Received from Steve Chessin
As long as I have your attention :-), I will note that using a Scantron (or similar optical-scan) system does allow for the implementation of multi-winner ranked choice voting[1], a proportional system that would effectively resolve the concerns people have raised about slates.

A proportional system means that a slate supported by a bare majority of the voters would only get a bare majority of the seats; they would not get all of them. A slate that had support of, for example, 30% of the voters would get 30% of the seats, not none of them. And people running as individuals who had support of at least 12.5% of the voters could still win a seat. (This assumes one ballot for self-identified females and one for other than self-identified females, each ballot used to elect 7 people.) This would organically resolve many of the concerns people have about slates.

The Party does support ranked choice voting, as it’s mentioned in the Platform twice[2]. And the Party adopted Resolution 19-05.167 at the August 2019 E-Board meeting, declaring its support for proportional representation (attached). If ranked choice voting and proportional representation are good enough for public elections, they should be good enough for Party elections; we should practice what we preach.

I'm attaching a sample ballot from the 2001 Cambridge, Massachusetts, City Council election, so you can see what such a ballot would look like. (They elect all nine councilmembers at once using the multi-winner proportional form of ranked choice voting.) While voters rank individual candidates, some candidates do run on slates. The use of a proportional system prevents a slate that gets a bare majority of the vote from winning all the seats. The use of the ranked choice voting form of proportional representation also allows people not connected to a slate to win a seat.

I'll be happy to answer any questions you may have. Please share my email with the rest of the Rules Committee, as I would like to testify to this proposal at its next meeting.

Thanks,
--Steve Chessin, AD24
steve.chessin@alum.mit.edu
1426 Lloyd Way, Mountain View, CA  94040
(650)-962-8412

[1] The political science term for multi-winner ranked choice voting is "single transferable vote".

[2] The Political Reform plank of the 2020 Platform contains these two bullet points:
• Support the ability of local communities to choose alternative voting systems, such as ranked-choice voting and instant-runoff voting; • Encourage the replacement of at-large election methods with the adoption of by-district and/or alternative voting methods, such as ranked choice voting, cumulative voting, or limited voting for city, school, and special district elections to ensure that the votes of diverse communities are not diluted and to ensure that grassroots candidates can compete without needing to raise prohibitively large sums of money;
Resolution 19-05.167
Proportional Representation and Multi-Member Districts for California
WHEREAS the California Democratic Party supports the ability of local communities to choose alternative voting systems and encourages the replacement of at-large election methods to ensure that the votes of diverse communities are not diluted and that grassroots candidates can compete; and
WHEREAS a plurality voting system with single-member districts tends to marginalize minority discourses; and
WHEREAS proportional representation electoral systems are more representative and more democratic than plurality voting systems, and multi-member districts allow for a greater variety of candidates to be elected than single-member districts;
THEREFORE BE IT RESOLVED that the California Democratic Party supports the institution of proportional representation and multi-member districts to foster greater electoral representation, provide equity to minority discourses, and increase the diversity of our elected officials.
Author: Victor Olivieri, Assembly District 17
Sponsored by San Francisco Eastern Neighborhoods Democratic Club;
Gladys Soto (AD-17)
Adopted at the CDP’s August Executive Board Meeting – August 25, 2019
# CANDIDATES FOR CITY COUNCIL

**for Term of Two Years**

**Instructions to Voters**

MARK YOUR CHOICES BY FILLING IN THE NUMBERED OVALS ONLY, LIKE THIS:

Fill in the number one oval next to your first choice; fill in the number two oval next to your second choice; fill in the number three oval next to your third choice, and so on. You may fill in as many choices as you please.

Fill in no more than one oval per candidate.

Fill in no more than one oval per column.

**To vote for a write-in candidate**, fill in a numbered oval next to the name you have written, showing your choice as a number for a candidate. Record write-ins from the top line down.

If you spoil this ballot, return it for cancellation to the election officer in charge of the ballots and get another from such officer.

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**DO NOT USE RED TO MARK BALLOT**

**Only one vote per candidate. Only one vote per column.**
Proposed Change to CRC Procedural Rules
Compliance Review Commission Procedural Rules

(Promulgated and Adopted by the CDP Rules Committee Pursuant to CDP Bylaws Article V, Section 5, b)

* * *

Section 5: POWERS

A. The Compliance Review Commission shall have the power and authority to take such actions as are necessary to provide a fair and just remedy including, but not limited to, the holding of new elections.

B. Regardless of whatever remedy may be requested by the Proponent(s) of a challenge, CRC, as noted above, has the power and authority to take such actions as are necessary to provide a fair and just remedy including, but not limited to the holding of new elections and is not limited by the request, and may impose lesser or greater remedies than requested.

C. If, upon review of the challenge of the Proponent(s), the CRC determines that even if all of the alleged facts were true the challenge would still be denied, it may do so without requesting responses. [Examples include but are not limited to: a challenge filed after the deadline without stating good cause; a challenge based on a provision CRC does not have initial jurisdiction over; and/or a challenge that does not state factual allegations constituting the alleged violation.]

D. The Co-Chairs, if in agreement, or the CRC by majority vote, may:

1. While still maintaining CRC jurisdiction, refer a matter back to the challenged party (e.g. - County Central Committee) for further proceedings or development of the record,

2. While still maintaining CRC jurisdiction, refer a matter to another Standing Committee or a hearing officer in order to: a. gather additional evidence, b. attempt to reach a stipulated agreement for approval by the CRC, and/or, c. make a recommendation to the CRC,

3. Attempt to reach a stipulated agreement among the parties for approval by the CRC,

4. Appoint a member, other person, Committee, or other body or group to monitor and/or enforce compliance with CRC Orders, with such powers and authority as may be necessary,

5. **Dismiss or deny without requesting responses, any filing that they have determined:**

   A. that even if all of the alleged facts were true the challenge would still be denied or dismissed,
   B. is frivolous or without merit,
   C. is primarily meant to vex, annoy, or harass the respondent, and/or,
   D. manifests an absence of:
      
      (1) good faith in bringing, or,
      (2) a substantive argument underlying, the challenge which makes requiring a response and hearing detrimental to the best interests of the Democratic Party as a whole.

   provided, however, that if any member of CRC requests the matter be heard, responses and a hearing will be scheduled.

6. Upon motion of an interested party supported by a showing that the challenger has a history of filing frivolous or vexatious claims, dismiss, without seeking testimony from the challenged parties, any challenge determined not to have a likelihood of success, filed by a proponent who has failed to prevail, in the determination of the Co-Chairs, or the CRC, in three (3) or more matters filed by the proponent, in the previous four (4) years,
7. Upon a finding of non-compliance with a CRC Order or Decision, by the Co-Chairs, issue an Interim Order suspending or denying representation to This Committee, including its Executive Board, subject to review by the CRC, or,

8. Upon a finding of non-compliance with a CRC Order or Decision, by the CRC, issue an Order, suspending or denying representation to This Committee, including its Executive Board, subject to appeal.

E. The date of the original filing will govern as to the timeliness of any such filing referred back to the Proponent(s) of a challenge, other Committee, or a Hearing Officer, for further action.
Proposed Bylaws Changes to Allow for Remote Meetings
SECOND DRAFT:

ARTICLE V: STANDING COMMITTEES AND SPECIAL COMMITTEES

* * *

Section 8: PROCEDURES FOR COMMITTEE PROCEEDINGS

Committee proceedings shall be governed by these bylaws, and when not in conflict therewith, such rules and procedures as may be adopted pursuant to the provisions of these bylaws. Any matter not covered by either these bylaws or said procedures shall be governed by the latest edition of Robert's Rules of Order.

a. Standing Committees, sub-committees thereof, and/or any of its members, may meet in person, by telephone, or by other means of electronic communication.

b. Except as may be otherwise allowed herein, in order for a Standing Committee, a sub-committee thereof, or any of its members to meet other than in person, the Chair of This Committee must:
   (1) After considering the nature of the meeting, make a determination that allowing it to be conducted other than in person does not impose any undue burden, does not fundamentally alter the nature of the proceeding, and that the need for physical presence is not a paramount component of the meeting, so long as each member can speak and be heard by the other members,
   (2) Provide at least seven (7) days notice to all interested persons that proceedings may be conducted other than in person, and
   (3) Provide a means for all other interested persons to likewise attend, at least via "listen/view-only" mode.

c. Except as may be otherwise allowed herein, rules allowing for meetings of standing committees and subcommittees other than in person, shall only apply to such meetings that are not concurrent with a Convention or Executive Board meetings of This Committee.

ARTICLE VI: ASSEMBLY DISTRICTS AND ASSEMBLY DISTRICT ELECTION MEETINGS

Section 1. ASSEMBLY DISTRICT ELECTION MEETINGS

a. Except as may be otherwise allowed herein, regular biennial Assembly District Election Meetings shall be held within each Assembly District in the State:

ARTICLE VII: EXECUTIVE BOARD

* * *

Section 4. EXECUTIVE BOARD MEETINGS

a. Except as may be otherwise allowed herein, The Executive Board . . . [continue with rest of subsection].

ARTICLE XII: COMPLIANCE REVIEW COMMISSION AND CONDUCT COMMISSION

* * *
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. The Conduct Commission may meet by telephone or other means of electronic communication.

ARTICLE XIV: ELECTRONIC NOTICE AND OTHER THAN IN-PERSON MEETINGS

* * *

Section 3. Other Than In-Person Meetings:

   a. It is the express preference of This Committee that meetings should, when possible, be held in person, however, notwithstanding any other provisions of these bylaws, the Chair of This Committee may, in the event of:

      (1) the existence of orders prohibiting or limiting the gathering of persons, or,

      (2) the concurrence of 2/3rds of the State Officers of This Committee, as defined in Article III, Section 4, allow for any meeting of This Committee or its constituent parts to be conducted, by appropriate remote communications technologies provided that the Chair of This Committee, shall assure full and fair access to the meeting by the members of This Committee and all members of the Democratic Party consistent with the provisions of Article XIII of these bylaws and the Policy Statement By the Rules Committee of the California Democratic Party on the Open Meeting Rule. Any such determination shall be final.

   b. Nothing herein shall preclude the individual chairing/presiding at the meeting from using technology restricting the opportunity to speak to those recognized to speak.

   c. This Section is in addition to other sections of these bylaws allowing for Other Than In-Person Meetings.