

## MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: March 4, 2021

RE: **COMPLIANCE REVIEW COMMISSION (CRC) DECISION RELATING TO A CHALLENGE FILED BY TOMAS VERA**

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### **INTRODUCTION:**

Tomas Vera, Chair of the Placer County Democratic Central Committee (PCDCC) filed a challenge relating to the decision of the California Democratic Party (CDP) to seat only 11 of the 13 allotted delegates at the 2021 April Convention. The challenge alleges that the CDP violated CDP Bylaws Article II, Section 4(a) (Members Elected by County Central Committees). Claiming that due to the ADEM election deadline changes, adjustments and failure by the CDP to adhere to its' own election procedures resulted in PCDCC having only 11 named delegates submitted to the CDP. He further explains that the February 15, 2021 roster submission deadline was in violation of CDP Bylaws Article III, Section 4(e), which states that, deadlines that fall on a state holiday or weekend should be accepted next business day. PCDCC submitted their roster on February 16, 2021 which is in accordance with CDP Bylaws.

### **DOCUMENTS INITIALLY RECEIVED AND REVIEWED:**

Documents received and reviewed by the CRC associated with the challenge included the following:

1. Challenge submitted by Mr. Vera filed on February 20, 2021.
2. No Responses opposing the challenge were submitted.
3. Responses supporting the challenge submitted by Regional Director, Bill Monroe, and members of the Placer County Central Committee Katrina Dunn and Lisa Larkin

### **TIMELINESS:**

According to CDP Bylaws, Article XII, Section 2c:

“All challenges must be commenced by the filing of a written challenge with the Secretary of This Committee, with copies served on the Chair of This Committee, as well as the appointing person, and the chair of the relevant organization, where applicable no later than seven (7) calendar days after the alleged violation occurred. Upon a showing of good cause, sustained by unanimous vote, the Compliance Review Commission may waive this requirement.”

(All By-Law references are to the California Democratic Party Bylaws, as amended through January 2021, unless otherwise indicated.)

The challenge filed by Mr. Vera was submitted February 20, 2021. The submission was within 7 days of the Central Committee roster deadline on February 15, 2021, thus the challenge was timely.

**STANDING:**

According to Article XII, Section 2b:

“Any party to a challenge must be adversely affected to bring the challenge.”

Mr. Vera is the Chair of the Placer County Central Committee. Therefore, the CRC finds that Mr. Vera has standing as he was responsible for the submission of his roster, thus being adversely affected.

**JURISDICTION:**

Article XII, Section 2a states:

“The Compliance Review Commission shall have initial jurisdiction over all challenges and/or appeals arising under these Bylaws.”

Further, the CRC Procedural Rules, Section 2, B. 2. state in pertinent part that a challenge must,

“Explain[] the basis of CRC’s jurisdiction... If the CRC cannot discern the section of the CDP Bylaws alleged to have been violated or which grants jurisdiction to the CRC, it may dismiss the challenge.”

Based on the contents of the challenge, the CRC found jurisdiction under CDP Bylaws Article II (Membership).

**FINDINGS:**

The CRC finds that the evidence is clear that the PCDCC failed to submit a full timely roster. The CRC is also aware that vacancy fills are difficult due to ADEM dropouts, but most Committees have backups in place. In a normal year, this deadline would be reinforced, but due to the COVID-19 pandemic and the uncertainty with the deadlines the CRC finds it necessary to give some leniency in this particular situation.

**ORDERS AND COMMENTS:**

Based upon the above facts and Bylaws of the CDP, the CRC makes the following order:

1. The CRC accepts the challenge request submitted by Mr. Vera and allows the seating of the two delegates submitted past the deadline (Tomas Evangelista and Toni Fisher).
2. The CRC suggests for the PCDCC to reach out to other County Committees who may already have a process to elect or select alternates (ranking system) in case of a DSCC slot opening due to dropping out as a result of the ADEM elections to set a process for this situation in the future.
3. CDP staff to coordinate suggested language to all counties
4. The CRC further adds that the challenges of 2020/21 because of COVID-19 and the delays in the postal service delivery due to the Trump Administration actions have created a unique situation applicable to this year only. The flexibility granted by the CRC this year will not be used as a precedent for any future cases or controversies.

Appeal of this order, is not granted due to the CDP Bylaws temporary Article III-A, Section 12 (a). All decisions of the Compliance Review Commission as it pertains to the Determination and Certification of the Roster of Members shall be final. Accordingly, this decision is so ordered, and is final.

Respectfully submitted by a 6-0 vote of the members of the CRC,

Tim Allison, Co-Chair, Credentials Committee

Kathy Bowler, Co-Lead Chair, Rules Committee

Nicole Fernandez, Co-Chair, Rules Committee

Coby King, Co-Chair, Rules Committee, and Co-Chair of the CRC

Lara Larramendi, Co-Lead Chair, Credentials Committee, and Co-Chair of the CRC

Keith Umemoto, Co-Chair, Credentials Committee