

California Democratic Party Rules Committee Special Meeting Agenda
Saturday, July 17, 2021 at 10:00am

- I. Call to Order / Roll Call / Introductions
- II. Agenda
- III. Chair's Charge to the Committee
- IV. Report of the Subcommittee on Caucuses
- V. Standing Committee reorganization and bylaws amendments
- VI. Subcommittee assignments
- VII. Legislation Committee Procedures
- VIII. Other Business
- IX. Adjournment

MEMORANDUM

TO: Rules Committee, California Democratic Party

FROM: Subcommittee on Caucuses, Rules Committee, California Democratic Party

RE: Report of the Subcommittee on Caucuses Concerning Charges Against the Progressive Caucus Adopted on 6/29/21

DATE: July 5, 2021

The California Democratic Party (CDP) received two complaints that the Progressive Caucus was in violation of the CDP Bylaws and Guidelines for the Certification/Recertification/Decertification of Caucuses, Adopted by the CDP Rules Committee – February 2018: (1) the first complaint was from Jody Pratt and was received on March 14, 2021; and (2) the second complaint was from a person who chooses to remain anonymous and was received on March 23, 2021.

At its meeting on April 30, 2021, the CDP Rules Committee referred these two complaints to its Subcommittee on Caucuses (Subcommittee) for disposition in accordance with Article XI, Section 6 of the CPD Bylaws, which provides:

“Section 6. DECERTIFICATION

After notice and an opportunity to be heard, and upon a finding by the Rules Committee that a certified 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.”

In accordance with Article XI, Section 6 of the CDP Bylaws, two days of hearings were conducted by the Subcommittee. The exhibits admitted in those two days of hearing are a part of

the agenda packet.

At the close of the second day of hearing, the Subcommittee unanimously adopted the attached report (Report). The Report concludes that:

“the Progressive Caucus violated Article VIII, Sections 1(d), (e) and (f), Article XI, Section 2(a) and (6) of the CDP Bylaws and Section 4.D.6(d)(1) of the Guidelines, and the Subcommittee recommends that the Rules Committee so conclude.

Based on a finding of one or more violations of the Bylaws and/or Guidelines, decertification is warranted. Accordingly, the Subcommittee recommends that the Rules Committee find that decertification is warranted unless remediation, as discussed below, is undertaken and completed.

Under Article XI, Section 6, a determination that decertification is warranted can be overcome by a showing that “all such defects have been remedied.”

Accordingly, the Subcommittee recommends that the Rules Committee find that the steps outlined hereinbelow would constitute a full remedying of the violations recommended to be found here.”

The proposed remedies are:

“A. The Progressive Caucus shall cause the termination of the California Democratic Party Progressive Caucus PAC.

1. Any remaining funds in the California Democratic Party PAC at the time of termination shall be returned to the donors in accordance with applicable state law.
2. Each returned contribution shall be accompanied by a cover letter, approved as to form and content by the Lead Co-Chairs of the Rules Committee, indicating that, despite the name, the funds raised or expended were not authorized by the California Democratic Party. The letter shall also indicate that the California Democratic Party Progressive Caucus PAC expended funds in connection with the candidacy of candidates not endorsed by the California Democratic Party, which is conduct the CDP considers to be inconsistent with the use of the California Democratic Party’s name.
3. A letter, approved as to form and content by the Lead Co-Chairs of the Rules Committee, shall be sent to any donor to the California Democratic Party Progressive Caucus PAC who did not receive a refund indicating that, despite the name, the funds raised or expended were not authorized by the California Democratic. The letter shall also indicate that the California Democratic Party Progressive Caucus PAC expended funds in connection with the candidacy of candidates not endorsed by the California Democratic Party, which is conduct the CDP considers to be inconsistent with the use of the California Democratic Party’s name.

4. A letter, approved as to form and content by the Lead Co-Chairs of the Rules Committee, shall be sent to any candidate supported or opposed by the California Democratic Party Progressive Caucus PAC indicating that, despite the name, the funds raised or expended were not authorized by the California Democratic Party. The letter shall also indicate that the California Democratic Party Progressive Caucus PAC expended funds in connection with the candidacy of candidates not endorsed by the California Democratic Party, which is conduct the CDP considers to be inconsistent with the use of the California Democratic Party's name.

5. A copy of all letters sent, along with the names and addresses to which they were sent, shall be filed with the Secretary of This Committee.

6. A copy of all letters sent, with the addresses redacted, shall be posted on the webpage of the Progressive Caucus; provided that nothing herein shall require the posting of the name of any contributor to the California Democratic Party Progressive Caucus PAC of an amount that did not trigger public reporting of the contributor's name.

B. The Progressive Caucus will amend its bylaws to provide that the Progressive Caucus will not form, maintain, contribute to, materially support or otherwise materially participate in the governance, fundraising or expenditures of any political committee other than the California Democratic Party.

C. The Progressive Caucus shall pass a standing rule reiterating that any motion, resolution or other effort to endorse or provide other material support of any kind to a person other than the officially endorsed candidate of the California Democratic Party or the nominee of the Democratic National Committee for President or Vice-President is out of order and shall not be considered. Nothing in the rule shall prohibit the Progressive Caucus from calling on the California Democratic Party to take an action otherwise authorized by Article XI, Section 1.a of the CDP Bylaws.

D. The Progressive Caucus shall provide the Lead Co-Chairs of the Rules Committee and the Chair and Vice-Chair of the Rules Committee's Subcommittee on Caucuses a report 30 days after the August 2021 Executive Board Meeting of the steps taken to fulfill these obligations and shall file a status report each 30 days thereafter (until the termination of the current Caucus certification cycle) certifying that the Caucus is in compliance with all these remedial conditions, including that no changes have been made to the required standing rule and Bylaws amendment.

E. For the balance of the current Caucus certification cycle, the Progressive Caucus' certification shall be converted back to provisional and any failure to implement or abide by these remedial requirements shall be grounds for revocation of provisional status and the resumption of decertification proceedings.”

Prior to the second day of hearing, the Progressive Caucus signed a stipulation in which it did not oppose the adoption of the Report and stipulated to the foregoing remedies. The stipulation was received into the record as Exhibit S and was expressly accepted by the Subcommittee.

At this juncture, the Report is before the full Rules Committee for review and adoption.

REPORT OF THE SUBCOMMITTEE ON CAUCUSES
OF THE RULES COMMITTEE OF THE CALIFORNIA
DEMOCRATIC PARTY
ADOPTED: 6/29/21

I. INTRODUCTION

The California Democratic Party (CDP) received two complaints that the Progressive Caucus was in violation of the CDP Bylaws and Guidelines for the Certification/Recertification/Decertification of Caucuses, Adopted by the CDP Rules Committee – February 2018: (1) the first complaint was from Jody Pratt and was received on March 14, 2021; and (2) the second complaint was from a person who chooses to remain anonymous and was received on March 23, 2021.

At its meeting on April 30, 2021, the CDP Rules Committee referred these two complaints to its Subcommittee on Caucuses (Subcommittee).

After consultation among the Lead Co-Chairs of the CDP Rules Committee and the Co-Chairs of this Subcommittee, a hearing on the complaints was scheduled for June 16, 2021. The purpose of the hearing was to elicit evidence in connection with the complaints and to prepare a draft report for Subcommittee consideration. This draft report, once adopted by the Subcommittee, is to be transmitted to the CDP Rules Committee to be considered at a special meeting to be held on July 17, 2021, at 10:00 a.m.

In a conversation with the Chair of the Progressive Caucus and other representatives selected by the Chair of the Progressive Caucus, the Subcommittee leadership advised, and confirmed to, the Progressive Caucus that any arguments concerning remedies for any violations found would be deferred until after the facts were elicited on June 16, 2021.

A hearing was held on June 16, 2021, starting at 7 p.m. A quorum of the Subcommittee was present, consisting of the following members:

- A. Laurence Zakson, Subcommittee Chair;
- B. Jimmie Woods Grey, Subcommittee Vice Chair;
- C. Jose Alcala;
- D. Kathy Bowler;
- E. Coby King;
- F. Ralph Miller; and
- G. Michael Soto

Ex-Officio:

- A. Garry S. Shay
- B. CYD Ambassadors:
 - 1. Brooke Pritchard - absent
 - 2. Luis Zamora

The Chair of the Subcommittee, Laurence Zakson, and Vice-Chair Jimmie Woods Gray were delegated to prepare a preliminary draft of the draft report.

This draft report [as amended] was adopted by the Subcommittee at a meeting on June 29, 2021, starting at 7 p.m. A quorum of the Subcommittee was present, consisting of the following members:

- A. Laurence Zakson, Subcommittee Chair;
- B. Jimmie Woods Grey, Subcommittee Vice Chair;
- C. Jose Alcala;
- D. Kathy Bowler;
- E. Coby King;
- G. Ralph Miller; and
- H. Michael Soto

Ex-Officio:

- A. Garry S. Shay

- B. CYD Ambassadors:
 - 1. Brooke Pritchard (absent)
 - 2. Luis Zamora

II. NOTICE AND HEARINGS

Article XI of the CDP Bylaws provides that determinations on questions of decertification shall take place after a hearing and any determination shall be based on factual findings by the Rules Committee. Specifically, Article XI, Section 6 of the CPD Bylaws, provides:

“Section 6. DECERTIFICATION

After notice and an opportunity to be heard, and upon a finding by the Rules Committee that a certified 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.”

For the reasons that follow, we find that:

1. The Notice and an opportunity be heard required by Article XI, Section 6 was satisfied by the foregoing notices and hearings; and,
2. These hearings yielded a sufficient predicate for this Subcommittee to recommend, and the Rules Committee to make, factual findings.

As to Notice, we confirm that:

1. The first complaint was included at page 80 of the Rules Committee Agenda Packet of the April 30, 2021, Rules Committee meeting. The email is from Jody Pratt to Rusty Hicks dated Sunday, March 14, 2021, and the subject line is “How is this ok?” It is marked as Exhibit A.
2. The second complaint is anonymous and was included at t page 81 of the Rules Committee Agenda Packet from April 30, 2021. It is an email to Emma Harper dated March 23, 2021, and the subject line is, “Re: California Democratic Party Progressive Caucus PAC + CADEM Progressive Caucus.” It is marked as Exhibit B.
3. Item VII.A. of the duly noticed meeting of the Rules Committee on April 30, 2021, was the receipt of the complaints and their referral to this subcommittee. This agenda is marked as Exhibit C.
4. In addition to the two complaints, at pages 78 to 81 of the Rules Committee Agenda packet for the April 30, 2021, Rules Committee meeting are cover pages for these two complaints and the complaints themselves. These are marked as Exhibit D.
5. At the April 30, 2021, Rules Committee meeting, a summary of legal issues from the CDP’s law firm, Olson Remcho, dated April 6, 2021, was distributed. That memorandum, which is four pages in

length, is marked as Exhibit E.

6. At the general session of the CDP Convention on May 2, 2021, the Rules Committee presented its report on its April 30, 2021, meeting. Under item VI.A, that report, marked as Exhibit F, it states that the two complaints marked as Exhibits A & B are referred to the Subcommittee.

7. On June 5, 2021, Notice of the Subcommittee's June 16, 2021 Hearing was served on Amar Shergill, Chair of the CDP Progressive Caucus, with a copy to, among others, the officers of the CDP Progressive Caucus on file with the CDP. A copy of that Notice is Exhibit G.

a. In addition to noting the referral of the complaints to this subcommittee, the Notice was accompanied by an agenda packet for the June 16, 2021, Hearing.

b. The significance of the Hearing was expressly noted at paragraph 5 of Exhibit G, which states:

“Please be advised that violation of the California Democratic Party Bylaws or operative sections of the Caucus Certification/Recertification/Decertification Guidelines can result in the decertification of the Caucus. As a result, these proceedings can have a significant impact on the Caucus.”

8. Also on June 5, 2021, there was an email from Emma Harper to the Subcommittee members with a Notice of the June 16, 2021, Hearing and the agenda packet. The Notice to the Subcommittee is marked as Exhibit H. It includes both the agenda for the Hearing and a listing of nine items that were to be attached.

a. The following items in the Agenda packet included in Exhibits G and H have not been already referenced:

(i) Article VIII of the CDP Bylaws, entitled Endorsement of Candidates for Partisan and Nonpartisan Office, and Endorsement and Opposition to State Propositions, Initiatives, Referendum and Recall is found at pages 39 to 56 of the CDP Bylaws. It is marked as Exhibit I.

(ii) Article XI of the CDP Bylaws, entitled, “Special Group Caucuses,” can be found at pages 60 through 63 of the CDP Bylaws. Article XI is marked as Exhibit J.

Note: Page 63 was not included in the original packet sent to Mr. Shergill or the Subcommittee, but it was included in an Errata sent the next day.

(iii) The California Democratic Party Guidelines for Certification, Re-Certification and Decertification of Caucuses, Adopted by the CDP Rules Committee – February 2018 is item 6 referenced in the Notice and is marked as Exhibit K.

(iv) A California Fair Political Practices Commission informal advice letter to Amar Shergill dated August 16, 2019 was also included in the agenda packet and is marked as Exhibit L.

(v) A screenshot entitled, “Donate” in a box followed by “Donate now to help elect progressives in California!” It has a large “contact” area on the right and shows the contact email address as amar@shergilllaw.com. In the third paragraph of text it says, “For more information about the caucus that formed this Pac, visit progressivecaucuscdp.org or the caucus Facebook page. You may also contact Caucus Chair and PAC Treasurer, Amar Shergill at amar@shergilllaw.com.” The paid for by at the bottom of the Page states, in relevant part, “Paid for by the California Democratic Party Progressive Caucus Political Action Committee.” This is part of the agenda packet and is marked as Exhibit M.

(vi) The agenda packet for the June 16, 2021, hearing includes an IRS Form 881 and is marked as Exhibit N. The Form is filed on behalf of the California Democratic Party Progressive Caucus PAC. This is a three-page document. It shows Shawnda Deane as the custodian of records. It includes this statement under item 14a, Name of related entity, “California Democratic Party Progressive Caucus” on one line and “PAC” on the next line and, under 14b, the relationship as “connected” and Ms. Deane’s business address as the address under 14c.

9. Finally, the Errata sent by Ms. Harper on June 6, 2021, is marked as Exhibit O.

Each of these Exhibits was marked and reviewed at the June 16, 2021, Subcommittee Hearing, which was attended by Complainant Jody Pratt and the Chair of the Progressive Caucus, Amar Shergill, who declined to submit any exhibits at that time, and the Parliamentarian of the Progressive Caucus Emma Jensen who testified that she believed that an amicable, consensual resolution of this matter was desirable.

Mr. Shergill answered several questions and was requested to provide copies of the California Democratic Party Progressive PAC’s campaign statements, which he agreed to do by June 21, 2021.

At the Hearing on June 16, 2021, the Subcommittee agreed to continue the Hearing on June 29, 2021. Notice of the June 21, 2021, continued Hearing was included in a notice of Hearing issued on June 21, 2021.

On June 20, 2021, Mr. Shergill filed copies of:

A. campaign finance statements and summaries of other campaign finance activities; and, also provided,

B. dates and locations for the two conversations with Chairman Hicks that Mr. Shergill described in Mr. Shergill's testimony.

At the June 29, 2021, hearing the June 20, 2021, submission by Mr. Shergill was marked as Exhibit P.

A video recording of the June 16, 2021, hearing was marked as Exhibit Q.

A video recording of the June 29, 2021, hearing was prospectively entered into evidence and marked as Exhibit R.

Based on the foregoing, the Subcommittee finds that the Hearings were duly noticed, that the notices provided sufficient information to inform the interested persons of the consequences of the Hearing, and that the interested persons were afforded a meaningful opportunity to participate in the hearings.

III. UNDISPUTED FACTS

On the record compiled before, during and after the hearings, the Subcommittee finds that while the Progressive Caucus may dispute the import thereof, the following facts are undisputed:

A. On March 14, 2021, Jody Pratt, a CDP delegate, complained in writing to CDP Chair Rusty Hicks that the Progressive Caucus was using the name of the Caucus and the CDP in its California Democratic Party Progressive Caucus PAC despite the fact that "Caucuses are not independent and should not use the name of either the Caucus or CADEM in an official PAC. Caucuses are an arm of CADEM, and thus not allowed to independently raise funds and endorse candidates or ballot initiatives."

B. On March 23, 2021, an anonymous person complained to the CDP Party Services Director, Emma Harper, and the CDP's staff member

principally responsible in the first instance for campaign finance compliance, ChaCha Brown, in relevant part:

CADEM Caucuses, according to their own bylaws and McCain-Feingold, cannot participate in fundraising activities.

It's come to my attention that a series of Facebook Ads are flying around purported to be a California Progressive PAC paid for by the California Democratic Party Progressive Caucus PAC.

Please see the series of Facebook Ads from the group:

[https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&q=california%20democratic%20party%20progressive%20caucus&sort_data\[direction\]=desc&sort_data\[mode\]=relevancy_monthly_grouped](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&q=california%20democratic%20party%20progressive%20caucus&sort_data[direction]=desc&sort_data[mode]=relevancy_monthly_grouped)

The trail of ads covers 9 current digital campaigns regarding the CADEM Chair's Race and a series of Ads relating to candidates for local office across the state from during the election cycle.

Within the Secretary of State's database, there exists both a California Progressive PAC (ID# 1407923) and a California Democratic Party Progressive Caucus PAC (ID#1422239)[.]

To place ads on Facebook for California Political Entities, you need to submit your FPPC number. If a Caucus wanted to participate in Facebook Advertising, they would need to use the CADEM FPPC number unless they somehow made a committee and received a unique FPPC number.

Looking at both of the entities' expenditure reports, the California Progressive PAC did not report any Facebook spending. The

California Democratic Party Progressive Caucus PAC did not file any expenditures with the state at all.

I'm sending these details to both of you because I understand that there may be implications for the Party's accounting and membership teams."

C. At some point, an advertisement reflected in the screenshot identified as Exhibit M and entitled, "Donate" in a box followed by "Donate now to help elect progressives in California!" was posted on californiaprogressivepac.org. The advertisement has a large "contact" area on the right and shows the contact email address as amar@shergilllaw.com. In the third paragraph of text it says, "For more information about the caucus that formed this Pac, visit progressivecaucuscdp.org or the caucus Facebook page. You may also contact Caucus Chair and PAC Treasurer, Amar Shergill at amar@shergilllaw.com." The paid for by at the bottom of the Page states, in relevant part, "Paid for by the California Democratic Party Progressive Caucus Political Action Committee."

D. According to Mr. Shergill, approximately nine internet-based advertisements were made/generated saying that the CDP Progressive Caucus of the CDP formed the aforementioned PAC and directed the person to one of the CDP Progressive Caucus email addresses.

E. Mr. Shergill obtained an informal advice letter from the California Fair Political Practices Commission (FPPC). The letter, which is a public record, is dated August 16, 2019. According to the letter, the FPPC does not act as "a finder of fact when rendering advice (In re Oglesby (1975) 1 FPPC Ops. 71); any advice . . . [it] provide[s] assumes . . . [the requester's] facts are complete and accurate."

The recitation of facts in the FPPC informal advice letter is neither complete nor accurate in, at a minimum, the following respects:

1. The informal advice letter states that, “The CDP does not generally fundraise or contribute to local non-partisan races.” The Subcommittee is aware of (and hereby takes notice of) the fact that the CDP does, in fact, become involved in many local races and that it regularly authorizes the inclusion of local races on door hangers and other expenditures it makes. A review of the CDP’s campaign finance statements confirms this fact. In addition, the CDP adopts, as a matter of course, the local endorsements of those County Democratic Central Committees which submit their County Democratic Central Committee bylaws to the CDP and which satisfy various substantive and procedural requirements for the adoption of their endorsements as the CDP’s own in the absence of a timely formal objection. CDP Bylaws Article VIII, Section 4.

2. The informal advice letter states, that the Caucus board is “independent” of the CDP and that “[t]he CDP will have no involvement in the PAC or its operations.” However, the CDP Bylaws provide at Article VIII, Section 1(f) that Caucuses are constituent parts of the CDP. Article VIII, Section 1(e) binds “official units” of the CDP to the CDP’s endorsements. The election of Caucus officers is extensively regulated by CDP Bylaws and Guidelines and the Chair of each Caucus must be a member of the CDP’s State Central Committee and is, by virtue of that office, a member of the Executive Board of the CDP.

F. On November 7, 2019, Shawnda Deane, the Treasurer of the California Democratic Party Progressive Caucus PAC, submitted an IRS Form 8871 executed under penalty of perjury. The Form 8871 includes this statement under item 14a, Name of related entity, “California Democratic Party Progressive Caucus” on one line and “PAC” on the next line and, under 14b, the relationship as “connected” and Ms. Deane’s business address as the address under 14c. It lists as the PAC’s “Officers, Directors and Highly Compensated Employees,” Progressive Caucus Chair Amar Shergill as the PAC’s “Principal Officer/Assistant

Treasurer.”

G. Mr. Shergill testified that neither the CDP nor any of its officers authorized him to create, form, maintain or fund the California Democratic Party Progressive Caucus PAC.

F. Mr. Shergill testified that he did not seek, or obtain, any advice from the CDP’s legal counsel, Rules Committee or any Rules Committee Co-Chair.

G. Mr. Shergill testified that the California Democratic Party Progressive Caucus PAC made expenditures supporting candidates for local office in the state of California who were not endorsed by the California Democratic Party and that he was unaware if any of the local candidates supported by the California Democratic Party Caucus PAC were endorsed by the California Democratic Party.

1. The campaign statements and summary provided by Mr. Shergill show that the California Democratic Party Progressive Caucus PAC raised over \$9000. These statements and summary do not fully identify every candidate assisted by the California Democratic Party Progressive Caucus PAC, but they do show online advertising described as independent expenditures in October 2020 in support of two candidates for Elk Grove City Council, Kevin Spease and Darren Suen. (In this regard, the Subcommittee notes that even if the reports were in error and the independent expenditures were opposed to candidates Spease and Suen, the most salient point is that the expenditures were made.)

2. Neither Mr. Spease nor Mr. Suen were the officially endorsed candidates of the CDP for Elk Grove City Council in 2020 as the CDP had no official endorsement in the Elk Grove City Council races.

IV. OTHER FACTUAL ISSUES

Other facts were elicited during the hearing. They are as follows:

A. Mr. Shergill testified that in July 2019, shortly after the 2019 election for CDP Chair, Mr. Shergill spoke to CDP Chair Rusty Hicks about the and that Chairman Hicks advised him that Chairman Hicks was opposed to the Progressive Caucus raising money outside the California Democratic Party. Mr. Shergill characterized the opposition as “strategic,” but did not explain what Mr. Shergill meant by the phrase “strategic” nor did Mr. Shergill attribute that characterization to Chairman Hicks. Mr. Shergill later stated in a written submission that the date of the meeting was July 16, 2019, and that it took place at a coffee shop at 12:30 p.m.

The Subcommittee concludes that the preponderance of the evidence establishes that Chairman Hicks expressed Chairman Hicks’ opposition and the opposition of the California Democratic Party to the Progressive Caucus forming a separate, assertedly independent PAC. The Subcommittee further notes that even had Chairman Hicks indicated that he supported the notion of a separate, assertedly independent PAC, the CDP Bylaws that make the Caucus a constituent part of the California Democratic Party and the actions of the Caucus the actions of the CDP and, thus, Chairman Hicks would have had no authority to authorize such a PAC without an amendment of the CDP Bylaws.

Moreover, the California Democratic Party Guidelines for Certification, Re-Certification and Decertification of Caucuses, Adopted by the CDP Rules Committee – February 2018 prohibit in Section 2.A Caucuses from “tak[ing] independent positions” on a variety of matters which would impede a Caucus-sponsored PAC from taking independent positions and also expressly prohibit in Section 4.D.6(d) CDP Caucuses from raising or expending funds other than nominal dues for certain purposes and require the accounting for such funds to the CDP Treasurer

in accordance with rules promulgated by the Finance Committee. Chairman Hicks would have been without authority to waive those requirements without a change in the Guidelines.

B. Mr. Shergill also testified that Chairman Hicks expressed concerns that any purportedly independent PAC would be considered a part of the California Democratic Party for purposes of contribution and expenditure aggregation rules. Mr. Shergill testified that he understood Chairman Hicks to be referring to aggregation for purposes of state law and never thought about whether this concern related to federal--and not just state--law; and the record contains no evidence that Mr. Shergill made any effort to ascertain whether the concern also arose under federal law.

The Subcommittee concludes that the preponderance of the evidence is that Mr. Shergill, on behalf of himself and the Progressive Caucus, undertook the founding of a PAC without affording any consideration to the consequences of this decision on the PAC and the CDP under federal law.

E. Mr. Shergill testified that he concluded that the informal advice letter referenced above fully addressed the concerns any purportedly independent PAC would be considered a part of the California Democratic Party for purposes of contribution and expenditure aggregation rules. Mr. Shergill also stated that he advised Chairman Hicks of the existence of the opinion letter in a meeting in November 2019. In a later written submission, Mr. Shergill stated that this meeting took place on November 25, 2019, at a coffee shop at about 1 p.m.

Inasmuch as Mr. Shergill stated that he did not believe that the CDP or Chair Hicks had agreed that the creation by the Progressive Caucus of a PAC was permissible or authorized, it is unclear what exact information was imparted to Chair Hicks. In these circumstances, the Subcommittee finds that no factual findings are appropriate based on this testimony.

E. Mr. Shergill also repeatedly and pointedly noted that despite the California Democratic Party Progressive Caucus PAC's involvement in elections before the 2021 Chair's election, there were "no complaints" about this activity until after the California Democratic Party Progressive Caucus PAC became involved in holding the CDP Chair "accountable" in connection with that 2021 internal CDP race.

To the extent that the Progressive Caucus relies upon this testimony to suggest that the timing of the complaints establishes a causal connection between this Hearing and/or the CDP's investigation of the actions of the Progressive Caucus and the Progressive Caucus' statements in connection with the officer elections, the Subcommittee finds that there is no factual predicate for finding such a causal connection, and the mere fact that the complaints were filed in March 2021 is not, in itself, evidence of any particular motive for the filing of complaints. Moreover, the holding of a Hearing is the process contemplated by the Bylaws for complaints of this type and the fact that the complaints were referred to the Rules Committee and subjected to a Hearing as a result of that referral is something that the Bylaws contemplate will occur in the circumstances presented here. Accordingly, the Subcommittee concludes that no finding of any causal connection is warranted.

F. In response to a question from a member of the Subcommittee, Mr. Shergill testified that he made no investigation of the activities of other Caucuses to determine whether the actions and activities undertaken by the Progressive Caucus were consistent with those of other Caucuses.

Ms. Pratt testified that, in her experience as a former officer of the Veterans Caucus, the activities undertaken by the Progressive Caucus were unprecedented and inconsistent with the understanding of other Caucuses of the relevant Bylaws and Guidelines.

The Subcommittee finds that the preponderance of the evidence establishes that no Caucus other than the Progressive Caucus has founded a PAC or raised money into a PAC connected to the Caucus,

albeit ostensibly independent.

V. FINDINGS

Article XI, Section 6 contemplates that any decision by the Rules Committee in a decertification proceeding be based on findings by stating, that the Rules Committee report on decertification “specifically not[e] the grounds and basis for its decision,” which shall be conclusive unless “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.”

In light of the record compiled at the Hearing and its evidentiary findings, the Subcommittee recommends that the Rules Committee make the following findings as a basis for its recommendations:

A. This matter is properly before the Rules Committee on complaints that allege a violation of the CDP Bylaws and/or Guidelines. Specifically:

1. On March 14, 2021, Jody Pratt, a CDP delegate, complained in writing to CDP Chair Rusty Hicks that the Progressive Caucus was using the name of the Caucus and the CDP in its California Democratic Party Progressive Caucus PAC despite the fact that “Caucuses are not independent and should not use the name of either the Caucus or CADEM in an official PAC. Caucuses are an arm of CADEM, and thus not allowed to independently raise funds and endorse candidates or ballot initiatives.”

2. On March 23, 2021, an anonymous person complained to the CDP Party Services Director, Emma Harper, and the CDP’s staff member principally responsible in the first instance for campaign finance compliance, ChaCha Brown, in relevant part that “CADEM Caucuses,

according to their own bylaws and McCain-Feingold, cannot participate in fundraising activities,” but that the Progressive Caucus did so.

B. The Rules Committee has jurisdiction of these complaints under Article XI, Section 6. And the initial hearing on June 16, 2021, and continued hearing on June 29, 2021, satisfy the requirements in Article XI, Section 6 that the Caucus be given notice of the allegations against it and an opportunity to be heard on those allegations.

C. The CDP Progressive Caucus raised funds using the name of the CDP and the CDP Progressive Caucus (which is a constituent part of the CDP) into a PAC known as the California Democratic Party Progressive Caucus PAC other than nominal dues and expended those funds for, among other purposes, approximately nine internet-based advertisements that used the name California Democratic Party Progressive Caucus PAC and stated, in relevant part, “For more information about the caucus that formed this PAC, visit progressivecaucuscdp.org or the caucus Facebook page. You may also contact Caucus Chair and PAC Treasurer, Amar Shergill at amar@shergilllaw.com.” The paid for by at the bottom of the Page states, in relevant part, “Paid for by the California Democratic Party Progressive Caucus Political Action Committee.” At least one of these advertisements had a large “contact” area on the right and shows the contact email address as amar@shergilllaw.com. By this conduct, the CDP Progressive Caucus violated Section 4.D.6.d(1) of the California Democratic Party Guidelines for Certification, Re-Certification and Decertification of Caucuses Adopted, CDP Rules Committee –February 2018.

D. The informal advice letter Mr. Shergill obtained from the California Fair Political Practices Commission (FPPC) has no bearing on whether the actions of the Progressive Caucus violated the CDP Bylaws and was also materially flawed in its description of the operative facts and relationship between the CDP and its Progressive Caucus.

1. According to the letter, the FPPC does not act as “a finder of

fact when rendering advice (In re Oglesby (1975) 1 FPPC Ops. 71); any advice . . . [it] provide[s] assumes . . . [the requester's] facts are complete and accurate.”

2. The recitation of facts in the FPPC informal advice letter is neither complete nor accurate in, at a minimum, the following respects:

a. The informal advice letter states that, “The CDP does not generally fundraise or contribute to local non-partisan races.” However, the CDP does, in fact, become involved in many local races and it regularly authorizes the inclusion of local races on door hangers and other expenditures it makes. In addition, the CDP adopts, as a matter of course, the local endorsements of those County Democratic Central Committees which submit their County Democratic Central Committee bylaws to the CDP and which satisfy various substantive and procedural requirements for the adoption of their endorsements as the CDP’s own in the absence of a timely formal objection. See CDP Bylaws Article VIII, Section 4.

b. The informal advice letter states, that the Caucus board is “independent” of the CDP and that “[t]he CDP will have no involvement in the PAC or its operations.” However, the CDP Bylaws provide at Article VIII, Section 1(f) that Caucuses are constituent parts of the CDP. Article VIII, Section 1(e) binds “official units” of the CDP to the CDP’s endorsements. The election of Caucus officers is extensively regulated by CDP Bylaws and Guidelines and the Chair of each Caucus must be a member of the CDP’s State Central Committee and is, by virtue of that office, a member of the Executive Board of the CDP.

E. The IRS Form 8871 filed by Shawnda Deane, the Treasurer of the California Democratic Party Progressive Caucus PAC on November 7, 2019, and executed under penalty of perjury establishes that the California Democratic Party Progressive Caucus PAC was “connected”

to the Progressive Caucus, by stating under item 14a, Name of related entity, “California Democratic Party Progressive Caucus” on one line and “PAC” on the next line and, under 14b, the relationship as “connected.” It lists as the PAC’s “Officers, Directors and Highly Compensated Employees,” Progressive Caucus Chair Amar Shergill as the PAC’s “Principal Officer/Assistant Treasurer.”

F. Neither the CDP nor any of its officers authorized the Progressive Caucus to create, form, maintain or fund the California Democratic Party Progressive Caucus PAC. In fact, just the opposite occurred. On about July 16, 2019, CDP Chairman Hicks expressed opposition to the Progressive Caucus forming a separate, assertedly independent PAC rather than following the CDP Bylaws that make the PAC a constituent part of the California Democratic Party. In that conversation, Chairman Hicks expressed concerns that any purportedly independent PAC would be considered a part of the California Democratic Party for purposes of contribution and expenditure aggregation rules. Moreover, even had any such officer supported the notion of a separate, assertedly independent PAC, no officer would have had authority to authorize such a PAC without an amendment of the CDP Bylaws and the California Democratic Party Guidelines for Certification, Re-Certification and Decertification of Caucuses, Adopted by the CDP Rules Committee – February 2018, which in Section 4.D.6(d)(1) prohibit Caucuses from raising or expending funds other than nominal dues for certain purposes and require the accounting for such funds to the CDP Treasurer in accordance with rules promulgated by the Finance Committee.

G. In forming, maintaining, fundraising for the California Democratic Party Progressive Caucus PAC, the Progressive Caucus did not seek, or obtain, any advice from the CDP’s legal counsel, Rules Committee or any Rules Committee Co-Chair.

H. The California Democratic Party Progressive Caucus PAC financially supported at least two candidates for local office in the state of California (Elk Grove City Council) that were not endorsed by the

California Democratic Party. This is evidenced by reports filed with the California Secretary of State showing online advertising described as independent expenditures in October 2020 in support of two candidates for Elk Grove City Council, Kevin Spease and Darren Suen. Neither Mr. Spease nor Mr. Suen were the officially endorsed candidates of the CDP for Elk Grove City Council in 2020. Notably, the result would not be materially different even if the California Democratic Party Progressive Caucus PAC had financially opposed these candidates as the CDP had no endorsed candidates in that race and any support or opposition would violate Article VIII, section 1(d) of the CDP Bylaws, which requires the Party to speak with one voice.

I. No Caucus other than the Progressive Caucus has founded a PAC or raised money into a PAC connected to the Caucus, albeit ostensibly independent.

VI. CONCLUSION

The foregoing findings warrant a conclusion that the Progressive Caucus violated Article VIII, Sections 1(d), (e) and (f), Article XI, Section 2(a) and (6) of the CDP Bylaws and Section 4.D.6(d)(1) of the Guidelines, and the Subcommittee recommends that the Rules Committee so conclude.

Based on a finding of one or more violations of the Bylaws and/or Guidelines, decertification is warranted. Accordingly, the Subcommittee recommends that the Rules Committee find that decertification is warranted unless remediation, as discussed below, is undertaken and completed.

Under Article XI, Section 6, a determination that decertification is warranted can be overcome by a showing that “all such defects have been remedied.”

Accordingly, the Subcommittee recommends that the Rules Committee

find that the steps outlined hereinbelow would constitute a full remedying of the violations recommended to be found here.

VII. REMEDIES

The Subcommittee recommends that the Rules Committee conclude that full remedying of the violations found here would consist of the following steps:

A. The Progressive Caucus shall cause the termination of the California Democratic Party Progressive Caucus PAC.

1. Any remaining funds in the California Democratic Party PAC at the time of termination shall be returned to the donors in accordance with applicable state law.

2. Each returned contribution shall be accompanied by a cover letter, approved as to form and content by the Lead Co-Chairs of the Rules Committee, indicating that, despite the name, the funds raised or expended were not authorized by the California Democratic Party. The letter shall also indicate that the California Democratic Party Progressive Caucus PAC expended funds in connection with the candidacy of candidates not endorsed by the California Democratic Party, which is conduct the CDP considers to be inconsistent with the use of the California Democratic Party's name.

3. A letter, approved as to form and content by the Lead Co-Chairs of the Rules Committee, shall be sent to any donor to the California Democratic Party Progressive Caucus PAC who did not receive a refund indicating that, despite the name, the funds raised or expended were not authorized by the California Democratic. The letter shall also indicate that the California Democratic Party Progressive Caucus PAC expended funds in connection with the candidacy of candidates not endorsed by the California Democratic Party, which is conduct the CDP considers to be inconsistent with the use of the

California Democratic Party's name.

4. A letter, approved as to form and content by the Lead Co-Chairs of the Rules Committee, shall be sent to any candidate supported or opposed by the California Democratic Party Progressive Caucus PAC indicating that, despite the name, the funds raised or expended were not authorized by the California Democratic Party. The letter shall also indicate that the California Democratic Party Progressive Caucus PAC expended funds in connection with the candidacy of candidates not endorsed by the California Democratic Party, which is conduct the CDP considers to be inconsistent with the use of the California Democratic Party's name.

5. A copy of all letters sent, along with the names and addresses to which they were sent, shall be filed with the Secretary of This Committee.

6. A copy of all letters sent, with the addresses redacted, shall be posted on the webpage of the Progressive Caucus; provided that nothing herein shall require the posting of the name of any contributor to the California Democratic Party Progressive Caucus PAC of an amount that did not trigger public reporting of the contributor's name.

B. The Progressive Caucus will amend its bylaws to provide that the Progressive Caucus will not form, maintain, contribute to, materially support or otherwise materially participate in the governance, fundraising or expenditures of any political committee other than the California Democratic Party.

C. The Progressive Caucus shall pass a standing rule reiterating that any motion, resolution or other effort to endorse or provide other material support of any kind to a person other than the officially endorsed candidate of the California Democratic Party or the nominee of the Democratic National Committee for President or Vice-President is out of order and shall not be considered. Nothing in the rule shall

prohibit the Progressive Caucus from calling on the California Democratic Party to take an action otherwise authorized by Article XI, Section 1.a of the CDP Bylaws.

D. The Progressive Caucus shall provide the Lead Co-Chairs of the Rules Committee and the Chair and Vice-Chair of the Rules Committee's Subcommittee on Caucuses a report 30 days after the August 2021 Executive Board Meeting of the steps taken to fulfill these obligations and shall file a status report each 30 days thereafter (until the termination of the current Caucus certification cycle) certifying that the Caucus is in compliance with all these remedial conditions, including that no changes have been made to the required standing rule and Bylaws amendment.

E. For the balance of the current Caucus certification cycle, the Progressive Caucus' certification shall be converted back to provisional and any failure to implement or abide by these remedial requirements shall be grounds for revocation of provisional status and the resumption of decertification proceedings.

Respectfully submitted,

CDP Rules Committee Subcommittee on Caucuses
Laurence Zakson, Subcommittee Chair;
Jimmie Woods Grey, Subcommittee Vice Chair;
Jose Alcala;
Kathy Bowler;
Coby King;
Ralph Miller; and
Michael Soto

Ex-Officio: Garry S. Shay

CYD Ambassadors: Luis Zamora (Brooke Pritchard did not participate)

TO: Lead Co-Chairs CDP Rules Committee: Valeria Hernandez and Coby King
FR: Chair Emeritus, Garry S. Shay
DA: 5 July 21
RE: Proposed Amendment to CDP Bylaws, Article V

The intent of the following bylaws change is to:

1. facilitate the changes envisioned by the Statewide Officers of This Committee in their recent “Joint Announcement by CADEM Statewide Officers on 2021 – 2023 Committee Appointments” issued July 1, 2021;
2. Create two newly formed Standing Committees, “Diversity, Equity, and Inclusion”, and “Organizing”;
3. Consolidate the duties of the former Affirmative Action Committee and Organizational Development Committee, along with the duties expressed in the aforementioned “Joint Announcement” into the new duties of the “Diversity, Equity, and Inclusion” Committee.
4. take into account the prior work of the no longer extant Voter Services Committee, regarding their request for a change in duties by incorporating it into the new duties of the “Organizing” Committee;
5. effectuate the now two (2) decade long tradition of having “Lead Chairs” of Standing Committees;
6. implement a “Chair Emeritus” designation;
7. provide for standardized Bylaws templates for Caucuses, allowing for certain variations in content;
8. provide for cross-committee communication, development, and standardization of adoption of Committee procedures;
9. provide for a more transparent and accessible publication of Committee Procedures; and,
10. better set forth the responsibilities of the Committees, and their Chairs, in a significantly more reader friendly format.

STRIKE: EXISTING ARTICLE V.

[NOTE: For the convenience of the reader, existing Article V is appended at the end of this memo.]

ADOPT THE FOLLOWING:

ARTICLE V: STANDING COMMITTEES AND SPECIAL COMMITTEES

Section 1. STANDING COMMITTEES:

This Committee shall have the following Standing Committees with the duties as set forth herein below:

- a. Credentials,
- b. Diversity, Equity and Inclusion,
- c. Finance,
- d. Legislation,
- e. Organizing,
- f. Platform,

- g. Resolutions, and,
- h. Rules.

Section 2. CONSOLIDATION OF COMMITTEES:

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

Section 3. APPOINTMENT and NUMBER OF MEMBERS OF COMMITTEES:

- a. Except as set forth herein below, the Chair of This Committee, in consultation with the other Statewide Officers, shall appoint from fifteen (15) to thirty (30) members of This Committee to each of the Standing Committees mentioned herein; provided, however, that due to the work and nature of:
 - 1) The Standing Committee on Credentials and Diversity, Equity, and Inclusion, it shall be comprised of 25 – 45 members, and,
 - 2) The Standing Committee on Organizing, it shall be comprised of 60 – 80 members.
- b. For all Committees without exception, the Chair of This Committee, in making these appointments, shall take into consideration the Party's commitment to non-discrimination, affirmative action, inclusiveness, and diversity including, but not limited to such things as: race, color, creed, national origin, sex, gender identity, age, religion, ethnic identity, sexual orientation, persons with disabilities as defined by the Americans with Disabilities Act of 1990, economic status, and the geographical location of the appointees, including their residence in urban, suburban, or rural communities.

Section 4. APPOINTMENT and RESPONSIBILITIES OF CO-CHAIRS:

- a. The Chair of This Committee, in consultation with the other Statewide Officers, shall appoint co-chairs of each Standing Committee from among its members.
- b. The Chair of This Committee may designate the most senior tenured Co-Chair of a Standing Committee, as "Chair Emeritus", in recognition of their terms of service.
- c. Responsibilities:
 - 1) The Lead Co-Chair(s) of Standing Committees shall be responsible for:
 - a) Setting the agenda of the Standing Committee prior to each meeting,
 - b) Appointing such sub-committees, and their Chair(s) as may be necessary, and,
 - c) In consultation with the other Co-Chairs, providing for the overall direction and administration of the Standing Committee.
 - 2) The other Co-Chairs shall provide guidance, support, and assistance in the administration and functioning of the Standing Committee, as may be requested by the Lead Co-Chairs.
- d. It shall be the further responsibility of the Lead Co-Chairs of the Committees on Diversity, Equity, and Inclusion, Finance, and Organizing to:

- 1) prepare an Action Plan within three months of their appointment, and annually thereafter, for consideration and adoption by those committees at their next meeting with individual assignments for the members of the committee,
- 2) transmit the Action Plan to the Chair and Statewide Officers for review, and
- 3) make regular reports to the Executive Board on their Committee's activities and progress on the Action Plans.
- 4) make annual reports to the State Delegates on their Committee's activities and progress on the Action Plans, which shall be made public to the state delegates by listing on the This Committee's website.

Section 5. STANDING COMMITTEE DUTIES AND RESPONSIBILITIES:

a. Credentials:

It shall be the duty of the Credentials Committee to:

- 1) approve the credentials of all persons appointed or elected to This Committee,
- 2) review and approve all proxies in accordance with Section 6 of Article IV of these By-Laws,
- 3) present a list of qualified members to the Chair of This Committee as soon as practicable,
- 4) hear certain appeals from decisions of the Compliance Review Commission, as specified in Article XII, and,
- 5) recommend the resolution of all challenges of, by, and to, members or proxies, which are referred to it pursuant to these Bylaws.

b. Diversity, Equity, and Inclusion:

It shall be the duty of the Diversity, Equity, and Inclusion Committee to:

- 1) focus on long-term cultural change in our Party necessary to accomplish its other duties;
- 2) recommend to the Executive Board of This Committee, monitor, execute, and report on the progress of, a program to accomplish Justice, Equity, Diversity, and Inclusion, and, expand it to inform and educate Party Leaders and Delegates;
- 3) recommend improvements to This Committee's Code of Conduct, attached hereto as Appendix "A", and its procedures;
- 4) implement those programs adopted and designed to accomplish anti-racism and racial justice to ensure full, fair, and equitable access to our Party;
- 5) propose a plan for redistricting of the Regions after each State Reapportionment is adopted; and,
- 6) recommend to the Executive Board the granting or rejection, of applications for Charter of organizations under Article X of these bylaws pursuant to guidelines adopted by the Rules Committee.

c. Finance:

It shall be the duty of the Finance Committee to:

- 1) organize, in cooperation with the officers of This Committee, activities and policies designed to protect and enhance the financial position of the Party;
- 2) prepare in cooperation with This Committee, This Committee's operating budget for presentation to the Executive Board; and,
- 3) to review and report to the Executive Board on the budgeting policies of the State Party.

d. Legislation,

It shall be the duty of the Legislation Committee to:

- 1) propose legislation when needed, in response to the duties and policies of the Party;
- 2) maintain a listing of all pending legislation that is of "must" and/or major concern to the Party;
- 3) keep a record of the vote by the Democratic Party legislators on such legislative items;

- 4) 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,
- 5) 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.

e. Organizing:

It shall be the duty of the Organizing Committee, working with the CDP Organizing Department, to:

- 1) organize activists, volunteers, and Democrats year round
- 2) conduct Relational Organizing, harnessing personal relationships year-round to get better voter engagement and higher conversion rates.
- 3) provide recommendations on digital tools, methods and programming that the party can implement to effectively reach all voters in California.
- 4) build the strategic organizing capacity of local leaders and county parties by providing in-depth organizing trainings to activists around issues and the latest voter contact tactics.
- 5) coordinate and lead voter registration programs aimed at increasing Democratic party registration.
- 6) provide recommendations to the state Party on how to effectively engage with communities of color and how to be intersectional organizers in our diverse state.
- 7) help support candidate recruitment efforts across the state and up and down the ballot, focusing on building the bench of the next generation of leaders.
- 8) support the Democratic voter expansion & engagement efforts of the party and empower the voter organizing work of party caucuses;
- 9) expand Party Voter Education by:
 - a) Supporting This Committee's voter education efforts by amplifying voter education messaging to diverse communities;
 - b) Partnering with community-based organizations to ensure our message is communicated to both a geographically and ethnically diverse base of voters;
 - c) coordinating training seminars which include instruction on campaign management, issues, and financial reporting requirements;

f. Platform,

It shall be the duty of the Platform Committee to:

- 1) hold at least three (3) meetings throughout the state to solicit input and testimony on the development of the proposed planks of the Platform of This Committee,
- 2) have a platform draft available for interested persons at least seven (7) days prior to the first day of the meeting of This Committee at which the platform is to be considered,
- 3) hold a final hearing on or before first day of the meeting(s) of This Committee at which the platform is to be considered; and,
- 4) present to This Committee for approval a final draft of the platform during the second day of the meeting(s) of This Committee at which the platform is to be considered.

g. Resolutions:

It shall be the duty of the Resolutions Committee to:

- 1) review all resolutions proposed to This Committee or the Executive Board in accordance with these By-Laws, and the procedures for the proposition of resolutions,
- 2) recommend, reject, or amend all such resolutions prior to referral to This Committee or the Executive Board.

h. Rules.

It shall be the duty of the Rules Committee to:

- 1) keep the By-Laws and Rules of This Committee consistent with the aims and policies of This Committee;
- 2) propose special rules, and changes to the Rules and By-Laws, when necessary;
- 3) promulgate forms for quarterly financial disclosure statements for the Statewide Officers;
- 4) promulgate rules for the filling of vacancies in Regional Directorships;
- 5) In consultation with the Lead Chairs of the other Standing Committees and Commissions, adopt and promulgate procedures for the functioning of those Standing Committees and Commissions, which procedures shall be published as appendixes of these Rules and Bylaws, and shall be subordinate thereto;
- 6) biennially, promulgate rules for the conduct of Assembly District Election Meetings, which shall be published in a manner anticipated to be accessible to all interested persons,
- 7) promulgate Procedures for Chartering, Re-Chartering, and De-Chartering of Statewide Chartered Organizations, and advise the Secretary of This Committee as to what information is needed on the Application for Charter,
- 8) promulgate Procedures 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,
- 9) promulgate standardized Bylaws templates for Caucuses, allowing for certain variations in content,
- 10) recommend changes in the Code of Conduct as may be necessary from time to time,
- 11) effectuate the flow chart entitled "Process for Reporting Misconduct and Harassment" attached hereto as Appendix "B,"
- 12) 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.

Section 6: SPECIAL COMMITTEES:

The Chair of This Committee may appoint such special committees as they deem appropriate.

Section 7: PROCEDURES FOR COMMITTEE PROCEEDINGS:

- a. 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 rules and procedures, shall be governed by the latest edition of Robert's Rules of Order.
- b. Standing Committees, sub-committees thereof, and/or any of its members, may meet in person, by telephone, or by other means of electronic communication.
- c. Except as may be otherwise allowed herein, in order for a Standing Committee, a subcommittee 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:
 - a) allowing it to be conducted other than in person does not impose any undue burden;
 - b) does not fundamentally alter the nature of the proceeding;
 - c) that the need for physical presence is not a paramount component of the meeting, and,
 - d) each member can speak and be heard by the other members;
 - 2) Provide at least seven (7) day's 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.

- d. 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.

The following shall be a footnote to Article V:

In the event that a cross-reference to Article V is rendered inappropriate as a result of any of the above changes, the Secretary of This Committee, in consultation with the Lead Chairs of the Rules Committee, shall be empowered to make such change without need for further action. Any such change shall be reported to the Executive Board of This Committee at its next meeting for ratification.

ARTICLE V: STANDING COMMITTEES AND SPECIAL COMMITTEES

Section 1. STANDING COMMITTEES

This Committee shall have the following Standing Committees with the duties as set forth herein below: Credentials; Rules; Resolutions; Platform; Affirmative Action; Legislation; Finance; Voter Services; and Organizational Development.

Section 2. CONSOLIDATION OF COMMITTEES

The Chair of This Committee, during 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 3. APPOINTMENT OF MEMBERS OF COMMITTEES

Except as set forth herein below, The Chair of This Committee shall appoint from fifteen to thirty members of This Committee to each of the Standing Committees mentioned herein. For all Committees without exception, the Chair of This Committee, in making these appointments, shall take into consideration the Party's commitment to non-discrimination, affirmative action, inclusiveness, and diversity including, but not limited to such things as: race, color, creed, national origin, sex, gender identity, age, religion, ethnic identity, sexual orientation, persons with disabilities as defined by the Americans with Disabilities Act of 1990, economic status. The geographical location of the appointees, including their residence in urban, suburban, or rural communities, shall also guide the Chair of This Committee in making appointments to each Standing Committee.

Section 4. APPOINTMENT OF CO-CHAIRS

The Chair of This Committee shall appoint co-chairs of each Standing Committee from among its members.

Section 5. STANDING COMMITTEE DUTIES AND RESPONSIBILITIES

a. Credentials Committee:

The Credentials Committee shall be comprised of 25-45 members. It shall be the duty of the Credentials Committee to approve the credentials of all persons appointed or elected to This

Committee, to present a list of qualified members to the Chair of This Committee as soon as practicable, and to hear certain appeals from decisions of the Compliance Review Commission, as specified in Article XII. The Credentials Committee shall review and approve all proxies in accordance with Section 6 of Article IV of these By-Laws. All challenges of members or proxies shall be referred to the Credentials Committee for resolution

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 and to effectuate the flow chart entitled "Process for Reporting Misconduct and Harassment" attached hereto as Appendix "B," 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.

c. Resolutions Committee:

It shall be the duty of the Resolutions Committee to review all resolutions proposed to This Committee or the Executive Board in accordance with these By-Laws. The Resolution Committee shall have authority to recommend, reject, or amend all such resolutions prior to referral to This Committee or the Executive Board. The Resolutions Committee shall establish and publish the procedures for the proposition of resolutions that are consistent with these By-Laws.

d. Platform Committee:

It shall be the duty of the Platform Committee to hold at least three meetings throughout the state, to have a platform draft available for interested persons on the first day of the meeting of This Committee at which the platform is to be considered, to hold a final hearing during the first day of that meeting, and to present to This Committee for approval a final draft of the platform during the second day of that meeting.

e. Finance Committee:

The Finance Committee shall be comprised of 25-35 members. It shall be the duty of the Finance Committee to organize, in cooperation with the officers of This Committee, activities and policies designed to protect and enhance the financial position of the Party; to prepare in cooperation with This Committee, This Committee's operating budget for presentation to the Executive Board; and to review and report to the Executive Board on the budgeting policies of the State Party.

f. Affirmative Action Committee:

The Democratic Party has a commitment to diversity and openness in participation. To ensure that commitment, the Affirmative Action Committee shall advise all persons with power of appointment and all electing bodies of the demographics of California Democrats so they may make informed choices in the selection and election of delegates, committee members and staff who are representative of the diversity of the Democratic Party with respect to gender, ethnicity, creed, age, sexual orientation, economic status, persons with disabilities as defined in the Americans with Disabilities Act of 1990, and area of residence. It shall be the duty of the Affirmative Action Committee to implement and monitor the goal of affirmative action for selection of:

- (1) The delegates to all State Conventions and Conferences;
- (2) The members of all standing committees of the State Central Committee of the California Democratic Party;
- (3) California delegates to all National Conventions and Conferences;
- (4) The staff of the State Party.

g. Legislation Committee:

It shall be the function of the Legislation Committee to propose legislation when needed, in response to the 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 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.

h. Voter Services Committee:

The Voter Services Committee shall be comprised of 50-80 members. It shall be the duty of the Voter Services Committee:

- (1) To develop a system of grass roots organizing at the precinct level to facilitate active participation of voters in Democratic Party activities;
- (2) To coordinate programs to increase Democratic Party voter registration;
- (3) To organize new citizen swearing in events;
- (4) To organize outreach at college campuses and other sources of potential new Democratic registrants;
- (5) To recommend goals and guidelines for the State Party voter contact program, such as an operational plan for an effective vote-by-mail campaign in each special and general election for state and local campaigns;
- (6) To develop a plan to increase the percentage of Democratic voters who register for

permanent vote-by-mail status.

- (7) To coordinate training seminars which include instruction on campaign management, issues, and financial reporting requirements;
- (8) To make every reasonable effort to assure that with respect to each and every partisan office that there shall be at least one Democratic candidate who has filed, who wishes the Party's endorsement, and who is worthy of consideration for that endorsement as allowed for in Article VIII, Endorsement of Candidates;
- (9) To review those non-partisan races in which there was no Democratic candidate in the preceding election to that office and to ensure there shall be at least one Democratic candidate for the next election to that office.

i. Organizational Development Committee:

It shall be the duty of the Organizational Development Committee:

- (1) To recommend to the State Chair local, state and national political strategies, activities, and policies designed to improve the organizational effectiveness of the Party;
- (2) To propose a plan for redistricting of the Regions after each State Reapportionment is adopted;
- (3) To propose guidelines to the Rules Committee, for their consideration and approval, concerning the Chartering of Organizations under Article X of these bylaws; and,
- (4) To recommend to the Executive Board the granting or rejection, of applications for Charter of organizations under Article X of these bylaws pursuant to guidelines adopted by the Rules Committee.

Section 6:

ADDITIONAL RESPONSIBILITIES

It shall be the responsibility of the Co-Chairs of those Committees described in section 5 (f), (g), (h), and (i) to:

- a. prepare an Action Plan within three months of their appointment, and annually thereafter, for consideration and adoption by those committees at their next meeting with individual assignments for the members of the committee,
- b. transmit the Action Plan to the Executive Board of This Committee for consideration and adoption, and
- c. make regular reports to the Executive Board on their Committee's activities and progress on the Action Plans.
- d. make annual reports to the State Delegates on their Committee's activities and progress on the Action Plans. This would be made public to the state delegates by listing it on the Party's website.

Section 7:

SPECIAL COMMITTEES

The Chair of This Committee may appoint such special committees as they deem appropriate.

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.