

California Democratic Party
Guidelines for Certification, Re-Certification and Decertification of Caucuses

Adopted, CDP Rules Committee – February 2018

Section 1. Definition

A caucus is a statewide organization:

- A. *Consisting of Caucus Sponsors, who are members of the Caucus and of This Committee, constituting at least one percent (1%) of the full membership of This Committee,*
- B. *Which extends membership to persons of voting registration/preregistration age (as defined in the Elections Code), who meet the eligibility requirements for Caucus membership, and who are either (i) registered Democrats or (ii) ineligible to register as Democrats, but who have expressed as intent to register as a Democrat upon becoming eligible And which extends full voting rights to all such persons who meet the voting requirements of such Caucus.*
- C. *Which has been found to be in compliance with the requirements noted herein and has also been found to meet the Guidelines for Certification or Re-Certification of Caucuses referred to below, based on a review of the application and investigation by the Rules Committee, whose findings shall be conclusive unless reversed by a majority of the Executive Board,*
- D. *Which has been considered for certification by the Rules Committee and has been certified by the Executive Board of This Committee in order to carry out the Purposes noted herein,*
- E. *Whose Chair is a member of This Committee, and by virtue of the Caucus being certified, shall be a member of the Executive Board of This Committee, and*
- F. *If not initially certified prior to 1/1/10, the Caucus' Sponsors are DSCC members, who represent a common identity, demographic or interest which is historically or currently under-represented in Democratic Party affairs and cannot adequately be represented in Democratic Party affairs by a current caucus or chartered organization and which has provided a reasonable explanation, determined to have been supported by clear and convincing evidence, as to why Chartering as a Statewide Organization under Article X of these Bylaws would not be a more appropriate course of action.*

Section 2. Purpose

The purpose of a caucus is to:

- A. *Participate in the policy decisions of the Party; by, among other things, proposing Resolutions to the Resolutions Committee, Legislation to the Legislation Committee,*

bylaw amendments to the Rules Committee, or other such proposals to other Standing Committees, or to the Chair of This Committee, as may be necessary to carry out its goals and objectives. No Caucus may take independent positions on such matters which are contrary to the positions of This Committee, provided, however, that nothing herein shall prevent This Committee's Regions, or its Caucuses from calling on the California Democratic Party to take any action; the methods set forth in the Bylaws.

- B. *Encourage participation, within the Caucus' community of interest, in the outreach programs of the Party, including such things as This Committee's Voter Registration and Get Out the Vote activities;*
- C. *Promulgate and implement a Statement of Purpose and Intended Activity, aimed at expanding and strengthening the Party, subject to approval by the Rules Committee; and,*
- D. *Make the Party more welcoming and more relevant to members of the public, the electorate, and This Committee, who identify with the goals of the Caucus.*

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

The Bylaws provide that *the Rules Committee shall promulgate Guidelines for Certification, Re-Certification, and Decertification of Caucuses, which shall include the process and conditions necessary to certify, re-certify, or decertify a caucus.* These Guidelines are issued under that authority.

Section 4. *Certification / Re-certification*

Certification, and re-certification, shall be subject to the following provisions:

- A. *Form of Application – All organizations desiring to be certified, or re-certified, by This Committee as a caucus shall make application for such certification in writing on a form obtained from the Secretary of This Committee.*
- B. *Submission of Application – Application for Caucus Certification, or Re-certification must be submitted to the Secretary of This Committee, and to the Chair(s) of the Rules Committee of This Committee, at the email address designated for this purpose, within forty-five (45) days after the first meeting of the Convention of This Committee in the year in which the Caucus is intended to be re-certified or initially certified. No application submitted outside that time-frame shall be considered.*
- C. *The timeline for the acknowledgment of receipt of the Application, the consideration of the Application, the provision to the Caucus of timely notice by the Rules Committee of This Committee of deficiencies in the application and for recommended action on the Application shall be as set forth in Article XI, Section 4 of the Bylaws of This Committee.*

D. Contents of Application – An Application for Caucus Certification or Re-certification shall contain:

1. A Declaration containing the signatures of Caucus Sponsors consisting of at least one percent (1%) of the full membership of This Committee with each person on such Declaration affirming by signature support for the official recognition of such a Caucus and further affirming that he or she shares the common identity, demographic or interest which defines the Caucus.
2. A Statement clearly identifying the common identity, demographic or interest of the Caucus Sponsors.
3. A complete “Roster of Members” containing the names, addresses, and phone numbers of all its members, and where appropriate, their email addresses, additionally noting whether a particular member holds an office in the Caucus and/or has organizational responsibility for a particular activity,
4. A written certificate signed by the Chair and one additional officer of the Caucus, certifying that each of its members has indicated and affirmed they are a registered Democrat or a person of voting registration/preregistration age (as defined in the Elections Code), who meets the eligibility requirements for Caucus membership, and who is ineligible to register as Democrats, but has expressed an intent to register as a Democrat upon becoming eligible.
5. A current editable electronic copy of the Bylaws of the Caucus, certified by the Chair and Secretary of the Caucus to be a true and correct copy thereof.
6. A Bylaws Review Check form, which has been promulgated by the Rules Committee, and approved by a Chair of the Rules Committee who has been previously designated by the Rules Committee to review the Caucus Bylaws, recommending that the Bylaws of the Caucus minimally be found to:
 - a. Be consistent with the By-Laws of This Committee;
 - b. Provide membership to all persons of voting registration/preregistration age (as defined in the Elections Code), who meet the eligibility requirements for Caucus membership, and who are either (i) registered Democrats or (ii) ineligible to register as Democrats, but who have expressed an intent to register as a Democrat upon becoming eligible. And which extends full voting rights to all such persons who meet the voting requirements of that Caucus.
 - c. Provide that the Chair of the Caucus must be a member of This Committee

and shall be the Caucus' representative to the Executive Board of This Committee;

- d. Contain a statement that the caucus shall:
 - 1) Neither raise nor disburse funds other than nominal dues, and standard or routine costs of regular meetings (such as postage, and other costs associated with notice, as well as the cost of meeting rooms), which shall be promptly accounted for, reflected in a quarterly financial report to the Treasurer of This Committee and processed according to rules promulgated by the Finance Committee, which shall also be reflected in the Caucus' Bylaws; and
 - 2) Provide for waiver of membership dues based on economic hardship or legal limitations on campaign contributions in a manner that guarantees membership on an equal and nondiscriminatory basis.
- e. Prohibit unauthorized endorsements;
- f. Be consistent with the Rules Committee's Policy Statement on the Open Meeting Rule, particularly with regard to:
 - 1) Providing that the public meetings of the Caucus are open to all registered Democrats; and,
 - 2) Providing for timely Notice of Agendas and Meetings;
- g. Delineate whether and when secret ballots may or may not be utilized, in a manner consistent with Article XIII, Section 9 of the Bylaws of the California Democratic Party and Article Nine, Section 12 of the Charter of the Democratic Party of the United States of America. (Generally speaking, this rule disallows the use of secret ballots when the person casting the ballot is representing another, rather than simply himself or herself);
- h. Utilize a method of notification in a manner consistent with the policies of This Committee;
- i. Provide for full and timely publication of any selection procedures and qualification, including officer election procedures that meet the standards in Appendix A hereto; and,
- j. Recognize the obligations of the Caucus under the General Provisions of the By-Laws of This Committee, including a provision stating that the Caucus is prohibited from discriminating on the basis of race, color, creed, national origin, sex, age, religion, ethnic identity, sexual orientation, gender identity, economic status or disability as defined by the Americans with Disabilities Act of 1990.

7. The names, addresses, phone numbers, and, where appropriate, their email

addresses, of the Caucus' officers which shall include as a minimum a Chair, a Secretary, and a Treasurer, and which the Caucus shall agree to keep current and advise the Secretary of This Committee of any changes therein. The Caucus Officers shall be responsible for informing the staff of This Committee of the forgoing information for posting on the website of This Committee.

8. A Statement of Purpose and Intended Activity, and means of effectuating same, as well as the self-promulgated measurable objective standards by which the Caucus shall evaluate its success each year. Decertification of a Caucus shall not be based on mere failure to meet such standards.

9. An Agreement that the Caucus shall provide the Secretary of This Committee and the Chair(s) of the Rules Committee the following (in electronic editable form where appropriate):

k. A written report on the Caucus' activities and progress towards fulfillment of the Caucus' Statement of Purpose and Intended Activity, as evidenced through measurable objective standards, on an annual basis, no later than February 7th of each year;

l. A complete "Roster of Members" containing the names, addresses, phone numbers, and where appropriate, their email addresses, of all its members, noting whether a particular member holds an office in the Caucus and/or has organizational responsibility for a particular activity, on an annual basis, no later than February 7th of each year. Copies of all reports shall be distributed to the members of the Rules Committee no later than February 22nd of each year;

m. At least ten (10) days written or electronic notice of any and all of its meetings, both regular and special;

n. Copies of any amendments to the Bylaws of the Caucus adopted after certification, within ten (10) days of their adoption; and,

o. Proof of the Caucus' continued adherence to and compliance with the findings of the Rules Committee as set forth in Article XI of the Bylaws of This Committee, if requested by the Rules Committee.

10. If not previously certified, a Statement as to why the applicant contends that Chartering as a Statewide Organization under Article X of the By-Laws would not be a more appropriate course of action.

Section 5. *Finding of Compliance with Guidelines Required*

A caucus is a statewide organization . . . Which has been found to be in compliance with the requirements noted herein and has also been found to meet the Guidelines for Certification or Re - Certification of Caucuses...based on a review of the application and investigation by the Rules Committee, whose findings shall be conclusive unless reversed by a majority of the Executive Board, which has been considered for certification by the Rules Committee and has been certified by the Executive Board of This Committee in order to carry out the Purposes noted herein. After notice and an opportunity to be heard, and upon a finding by the Rules Committee that a certified caucus has failed to maintain compliance with the above, 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.

As a condition precedent to recommending certification or re-certification of a Caucus, the Rules Committee must specifically make the following findings, or in the case of a recommendation to not certify or re-certify a Caucus, the Rules Committee shall specifically report on what findings it based its denial:

- A. The Organization has complied with all requirements of Article XI of the CDP Bylaws.
- B. That there are no existing organizations representing or sharing substantially similar interests, or serving the same or similar purposes, either as a Chartered Statewide Organization under Article X of these Bylaws or as a Caucus currently certified by This Committee;
- C. Whether or not the Caucus has been previously certified;
- D. *If not initially certified prior to 1/1/10, the Caucus’ Sponsors are DSCC members, who represent a common identity, demographic or interest which is historically or currently under-represented in Democratic Party affairs and cannot adequately be represented in Democratic Party affairs by a current caucus or chartered organization.*
- E. If the Caucus has not been previously certified, that the following apply:
 - 1. Chairs of existing Caucuses and Statewide Chartered Organizations have been notified of the pendency of an Application for Caucus Certification at least (30) thirty days prior to consideration of the Application; and,
 - 2. The proposed caucus has provided a reasonable explanation, determined to have been supported by clear and convincing evidence, as to why Chartering as a Statewide Organization under Article X of these Bylaws, would not be a more appropriate course of action;
- F. That the Caucus has complied with the provisions of Section 3 above.
- G. That an opportunity to submit oral and/or written testimony as to whether or not certification should be granted has been extended to the members of This Committee, including Chairs of existing Caucuses and Statewide Chartered Organizations, and that Caucus Sponsors have been provided a similar invitation to submit oral and/or written rebuttal thereto;
- H. That the Caucus Sponsors exhibit a demonstrated commitment to inclusion and have a clear history of dedication to Democratic Party principles and practices, and intend to

maintain said qualities in all of their activities;

- I. That the Caucus has as its objective the advancement of the Democratic Party; and,
- J. That the decision to recommend certifying the Caucus would be in the overall best interests of the Party.

Section 6. *Term of Certification*

Official Certification of a Caucus shall extend through the second meeting of the Executive Board of This Committee held following the:

- A. *Next regular general election, or until revoked for cause as set forth herein, for all initial certifications, and,*
- B. *Next regular general Presidential election, or until revoked for cause as set forth herein, for all re-certifications.*

Section 7. *Decertification*

After notice and an opportunity to be heard, and upon a finding by the Rules Committee that a certified caucus has failed to maintain compliance with the above, 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 the Rules Committee's findings that formed the basis of the Rules Committee's recommendation to decertify, or that all such defects been remedied.

Section 8. *Recognition of Historical Importance*

This Committee recognizes that the African American, Asian Pacific Islander, Chicano Latino, Labor, LGBT, and Women's Caucuses were the original six caucuses certified pursuant to the definition contained in the 1985-7, or prior, Bylaws, defining a caucus as "ethnic minority members or other broad elements of the membership" and as such recognizes the historical significance in maintaining their existence."

Appendix A to Guidelines for Certification for Re-Certification and Decertification of Caucuses as
promulgated by the Rules Committee
(Procedures for the Conduct of Caucus Officer Elections)

Election procedures for Caucus Officers shall be set forth in the Bylaws of the Caucus and shall, at a minimum:

1. Specify who is eligible to run for caucus chair. The person running MUST be a member of the DSCC. If there is a Caucus membership requirement, the source data for membership must be identified. If there is a cut-off date for eligibility, that cutoff date must be specified. If nominations can be taken from the floor on the day of the election, the Bylaws must specify whether the eligibility cutoff is the same for candidates nominated before and at the meeting.
2. Specify who is eligible to vote during a caucus election, including a specific description of the source data for membership and membership date. If there is an eligibility cut-off date, that must be specified. If a member can join at the same meeting at which he or she may cast a vote, that must be specified.
3. Specify how notice is to be provided for nominations, election date and time and any applicable deadlines and voting or candidate eligibility requirements. Specify whether there is a way for candidates or voters to verify eligibility prior to the election and, if so, how that verification process can be accessed, including any procedures to prevent undue advantage for incumbents.
4. Specify whether candidates may have access to the membership list and, if so, the safeguards in place to assure equal access for incumbents and non-incumbents.
5. Specify the Caucus balloting process, including under what circumstances provisional ballots must be used. The specified balloting process must include protocols for the handling of ballots, including provisional ballots. The protocols must also specify that provisional ballot issues are to be resolved in all cases, and when and how that resolution will take place.
6. Specify that there will be equal treatment, for purposes of voting or seeking office in Caucus officer elections, for membership applicants who pay dues or seek membership by means of a dues waiver. Specify the dues waiver process and how any delays attendant to processing that waiver request will affect the effective date of voting membership and eligibility to run for office. If there is a review process for dues waivers, the fact that a membership applicant has sought a dues waiver cannot affect the right to vote. So, where members can pay their dues and vote on the same day, the process must include an on-site, day of election pre-balloting dues waiver review and resolution process.
7. Specify how the effective date of membership is to be determined and how it is to be noted in the Caucus' membership records.
8. Specify who the Caucus has designated as authorized to resolve disputes concerning election procedures, voter eligibility, ballot counting or provisional ballots, when that resolution process is to take place and whether and when there is any appeal within the Caucus from that resolution.
9. Specify who, within the Caucus, is (a) tasked to the record of who has paid or had waived caucus dues, including the person designated by the Caucus to work with the staff of this Committee charged with keeping the record of online dues payments, and (b) is responsible for keeping a full membership

roster of current voting caucus members.

10. Specify the procedures for securing and preserving ballots and tallies, if any, until 10 days after the Executive Board meeting next succeeding the balloting or the resolution of any challenge or appeal, whichever is later.

It is the recommendation of the Rules Committee that each Caucus create its own election checklist addressing each of these issues for each person charged with any responsibilities in the conduct of a Caucus officer election or internal protest/appeal process.