

MEMORANDUM

TO: All Interested Parties

FROM: CDP Staff

DATE: October 5, 2022

RE: **COMPLIANCE REVIEW COMMISSION (CRC) DECISION RELATING TO A CHALLENGE FILED BY RUTH MUSSER-LOPEZ**

INTRODUCTION:

On September 8, 2020 Ruth Musser-Lopez filed a challenge on behalf of Lupe Camacho, a candidate for Mayor of Rialto relating to the actions of the San Bernardino County Democratic Central Committee (SBCDCC). The challenge alleges that the SBCDCC Chair and Executive Board Committee authorized an unlawful vote calculation by including abstentions as “no” votes, thus resulting in Camacho receiving less than the 60% threshold to win the endorsement, which violated the Central Committee’s bylaws Article IX (as per ARTICLE IX: ENDORSEMENT OF CANDIDATES, SECTION 3: CENTRAL COMMITTEE PROCEDURES). The challenger further alleges that the manner in which the “yes” vote percentage was calculated was in clear violation of the Central Committee’s bylaws Article IX. Furthermore, Ms. Musser-Lopez alleged that a motion to correct the percentage total was made and won but Chair Washington would not allow the results. Rather she announced that the Committee E-Board would take the vote under consideration.

TIMELINESS:

According to CDP Bylaws, Article XII, Section 4:

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

(All By-Law references are to the California Democratic Party Bylaws, as amended through July 2020, unless otherwise indicated.)

Ms. Musser-Lopez submitted a challenge on September 8, 2020 for an incident that took place on August 27, 2020. Although the endorsement meeting took place in August, the challenger submitted a challenge based on the September 1, 2020 Announcement made by the Executive Committee following the August 27th meeting. The challenge was not submitted within the seven (7) calendar day requirement for timeliness but there was no need to provide “good cause” to waive the requirement because the CRC found the challenge to be moot.

STANDING:

According to Article XII, Section 3:

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

Although the challenge was found moot and not timely, Ruth Musser-Lopez is a member of the SBCDCC, therefore the CRC finds that the challenger would have standing.

JURISDICTION:

Article XII, Section 2 states:

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

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

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

Jurisdiction did not have to be reached because the challenge was found moot.

FINDINGS AND ORDER:

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

- 1) The CRC finds the September 8, 2020 challenge by Ms. Musser-Lopez to be moot as the General Election for their endorsements has already occurred and the remedy requested is beyond the authority of the CRC.
- 2) The CRC finds that no jurisdiction would have been made regardless of the mootness of this challenge because the Endorsement of the SBCDCC are not the endorsement of the CDP as their Bylaws are not in accordance with the requirements of the CDP’s County Bylaws process per CDP Bylaws Article, VIII, Section 4(c)3.
- 3) The CRC notes that in parliamentary procedures, abstentions do not count in tallying the vote in favor or against per Robert’s Rules of Order.
- 4) The CRC also recommends the CDP Organizational Development Committee to reach out to County Committees and provide additional training on best practices, parliamentary procedures, etc on the endorsement process.

Appeal of this order, if any, must be filed with the CDP Secretary, with copies to the Chair of the CDP State Central Committee, within twelve days of the date of this decision. Thus,

any appeal must be filed on or before October 17, 2022 with the Sacramento office of the California Democratic Party, and shall be an appeal to the next meeting of CDP Rules Committee upon conclusion of the response period.

Please note that per CDP Bylaws, Article XII, Section 2e, the filing of an appeal shall not stay any decision of the CRC. Parties may additionally respond in person or virtually, depending on how the meeting is being conducted, if so desired, provided there has been a timely filing of an appeal and notice of intent to testify is provided in writing to the Lead Chair of the Rules Committee by 5 PM on Monday, October 17, 2022, at the Sacramento office of the California Democratic Party. The Rules Committee may accept such additional testimony, written or oral, considering the nature and import thereof, as well as the time available for its proper consideration, as it deems appropriate, in its discretion.

Accordingly, this decision is so ordered, and is in effect, unless, and until, a successful appeal is made, decided, and contrary orders made whether by the CRC, or by the Rules Committee. CRC shall retain jurisdiction up until the time of an appeal, if any, is heard by the Rules Committee.

Respectfully submitted by a 5-0 vote of the members of the CRC,

Tim Allison, Co-Chair, Credentials Committee

Nicole Fernandez, Co-Chair, Rules Committee

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

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

Keith Umemoto, Co-Chair, Credentials Committee