

## MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: October 28, 2022

RE: **COMPLIANCE REVIEW COMMISSION (CRC) DECISION RELATING TO A CHALLENGE FILED BY JEANINE ROHN RELATING THE ELECTION TO FILL THE AD51 ADEM EXECUTIVE BOARD VACANCY**

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### **INTRODUCTION:**

On March 25, 2022, Ms. Jeanine Rohn, an elected 2021-23 DSCC Member by way of the Los Angeles County Democratic Party, submitted a challenge regarding the eligibility of candidates allowed to run in the race to fill the Executive Board seat in AD 51. The challenge was amended, at staff's request, on March 31, 2022.

The challenger claims that the election for the Executive Board (E-Board) vacancy in AD 51 was in violation of the California Democratic Party (CDP) Bylaws. The election was scheduled, and held, on March 26, 2022.

She claims that CDP Bylaws Article VI, Section 1 and the "spirit" of the ADEM election process disallow appointed delegates being eligible candidates.

Ms. Rohn asserts that the candidates eligible for election to fill a vacancy, as defined in CDP Bylaws Article VI, Section 1.j(3) consist solely of the ADEM delegates selected in the ADEM election who had indicated their willingness to serve at the time of filing. Ms. Rohn rejects the reading of Article VI, Section 1.j(3) used here, which allows all Convention Delegates resident in the AD (other than those selected by a County Committee) to seek election.

The Challenger requests that the CRC consider two remedies:

1. Noticing and conducting of a new election with only elected ADEM as valid candidates; or
2. Disqualifying the appointed delegate as a valid candidate.

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

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

Challenge submitted by Jeanine Rohn on March 31, 2022. Includes  
Exhibit A – CDP Bylaws  
Exhibit B – Email threads with CDP Staff and Regional Director Mark Ramos  
Exhibit C – Email with CDP Staff election procedures had consultation with Rules

## Exhibit D – ADEM Results

### **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 February 2022, unless otherwise indicated.)

Ms. Rohn submitted a challenge March 25, 2022 relating to an incident that took place on March 21, 2022. On March 25, 2022 CDP Staff requested that the Challenger resubmit her challenge within 5 days in proper format as it did not adhere to the challenge submission requirements. On March 31st, CDP Staff received her updated challenge. Thus, the challenge is not timely.

In the circumstances here, the CRC found good cause and voted to waive this requirement. In so voting, the CRC noted that untimely submission of corrected challenges ordinarily are disallowed and that the vote to waive the requirement on the specific facts presented here is not intended to indicate that the deadline is flexible or can be ignored.

### **STANDING:**

According to Article XII, Section 3:

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

Although there is a credible counter argument on the question of standing given that Ms. Rohn is not a candidate, not a member of the AD51 delegation elected through the ADEM process, and she does not assert that she was deprived of the opportunity to vote for the candidate of her choice, the CRC voted to find that Ms. Rohn has standing because, as a voter in the AD51 ADEM process, she is entitled to be represented on the Executive Board by a representative selected in accordance with the processes and procedures set forth in the CDP Bylaws.

### **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.”

The CRC has jurisdiction under Article II (Membership) and Article VI (Assembly District and Assembly District Election Meetings).

#### **FINDINGS:**

CDP Bylaws Article VI, Section 1.j(1) provides a process to elect Assembly District representative to the State Executive Board:

*An Assembly District Representative to the State Executive Board shall be chosen at each Assembly District Election Meeting as follows: after the results are finalized, the highest vote-getting candidate from among those who both won a seat as a delegate and had indicated their willingness to serve as the Executive Board representative at the time of the filing of their candidate application (for the purpose of this paragraph, “E-Board Candidates”) shall be provided the opportunity to serve as Executive Board Representative if that person so chooses. If that person declines to serve as Executive Board Representative, then the opportunity shall be offered to each E-Board candidate in the order of votes received. Any ties shall be resolved by methods provided in the ADEM Procedures. If all E-Board candidates decline the opportunity, then a caucus of those members of This Committee resident in the Assembly District (except those elected by a county committee pursuant to Article II, section 4), shall meet at the next meeting of This Committee to elect an Assembly District Representative to the State Executive Board.*

CDP Bylaws Article VI, Section 1.j(3) provides direction in the event of a vacancy:

*In the event of a subsequent vacancy of the office of Assembly District Representative to the State Executive Board (either by operation of this subsection j(2) or otherwise), the Regional Director for the applicable Assembly District shall call a public meeting of the members of This Committee resident in the Assembly District, who shall fill the vacancy from among those persons enumerated in paragraph (1) of this subsection j. This meeting shall be called with at least 10 days notice to the members of This Committee resident in the Assembly District. For the purpose of this meeting only, a quorum shall be 5 (five) members of This Committee resident in the Assembly District...*

Paragraph 1.j(1) refers to a number of groups of Democrats resident in the AD and, so, reference to it does not provide particularly clear guidance. Given this, the CRC recommends that the Rules Committee review this provision in its entirety and attempt to set forth the eligibility of candidates for election in a more explicit manner.

Nevertheless, the challenger bears the burden of proving a violation of the Bylaws. The CRC finds that the interpretation of the Bylaws used in these circumstances was reasonable and, in

finding that the reference to paragraph 1.j(1) was a reference to the last sentence of that paragraph, was not inconsistent with the language of the Bylaws. Further, this interpretation opened up the eligibility to stand for election to more Democrats, rather than restricting it to fewer. There is nothing inherently inconsistent with the ADEM process in such an interpretation. In light of this, the challenger cannot meet her burden and her challenge should be dismissed.

**ORDER:**

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

The CRC dismisses the challenge on merits; AND  
The CRC will forward Ms. Rohn's challenge to the Rules Committee for its consideration of the language issues raised therein.

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 November 9, 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 Credentials Committee by 5 PM on Monday, November 9, 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 6-0 vote of the members of the CRC,

Tim Allison, Co-Chair, Credentials Committee  
Nicole Fernandez, Co-Chair, Rules Committee  
Valeria Hernandez, Co-Lead Chair, Rules Committee  
Lara Larramendi, Co-Lead Chair, Credentials Committee  
Paul Seo, Co-Chair, Credentials Committee  
Laurence Zakson, Co-Chair, Rules Committee