

# **RULES COMMITTEE PACKET**

## **November 18, 2022**

**California Democratic Party Rules Committee Agenda**  
**Friday, November 18, 2022, 4:30 PM**

FULL PACKET CAN BE FOUND HERE: <https://cadem.org/standing-committee/rules-committee/>

- I. Call to Order
- II. Roll Call
- III. Adoption of Meeting Agenda p.2
- IV. Review of Bylaws amendments to be considered on Sunday p.4-12
  - A. Non-substantive amendments regarding nomenclature of committee chairs
  - B. An amendment clarifying when Special Election Endorsing Caucuses shall be held
  - C. A new provision allowing the Party to take a position on judicial retention elections
  - D. A technical amendment to the composition of the Pre-primary Endorsement Review Committee
  - E. A technical amendment to the composition of the Special Elections Appeal Committee
  - F. A technical amendment to the process of selecting club representatives to the pre-endorsing conferences
  - G. A rewrite of Article XI (Special Group Caucuses)
- V. Adopt Convention Rules and Tentative Agenda for 2023 May Convention p.13-17
- VI. Subcommittee Reports p.18-42
  - A. Officers, Elections, Duties, Etc. Subcommittee p.19-22
    - 1. Report from Subcommittee on Officers, Elections, Duties, Etc.
      - a) Chair: Phillips, Members: Alari, Bowler, Fernandez, Garcia, Mojadedi, Zakson
  - B. ADEMs Subcommittee p.23-42
- VII. Compliance Review Commission (CRC) p.43-184
  - Referred to Rules p.44-140
    - A. Democratic Party of Contra Costa Challenge Filed April 23, 2020 – Jason Bezis p.44-60
      - 1. Appeal
      - 2. CRC Decision
      - 3. Original Complaint
    - B. Democratic Party of Contra Costa Challenge Filed August 29, 2020 – Jason Bezis p.61-78
      - 1. Appeal
      - 2. CRC Decision
      - 3. Original Complaint
    - C. Democratic Party of Contra Costa Challenge Filed April 8, 2021 – Diddo Clark & Jason Bezis p.79-94
      - 1. Appeal
      - 2. CRC Decision
      - 3. Original Complaint
    - D. Democratic Party of Contra Costa Challenge Filed April 22, 2021 – Steve Glazer & Jason Bezis p.95-111
      - 1. Appeal

2. CRC Decision
3. Original Complaint

E. Democratic Party of Contra Costa Challenge Filed June 24, 2021 – Jason Bezis p.112-125

1. Appeal
2. CRC Decision
3. Original Complaint

F. Kern County Democratic Central Committee Filed April 3, 2021 - David Abbasi p.126-140

1. Appeal
2. CRC Decision
3. Original Complaint

Receive and File p.141-184

- A. #1 Tomás Oliva against Imperial County DCC Challenge
- B. #2 Tomás Oliva against Imperial County DCC Challenge
- C. Jason Bercovitch against San Diego County DCC Challenge
- D. Brenda Crawford against Solano County DCC Challenge
- E. Ruth Musser-Lopez against Tulare County DCC Challenge
- F. Ruth Musser-Lopez against Tulare County DCC Challenge
- G. Ruth Luevanos/RL Miller against Ventura County DCC Challenge
- H. Alex Gutierrez against Tulare County DCC Challenge
- I. Ruth Musser-Lopez against Tulare County DCC Challenge
- J. Cynthia Homen against Stanislaus County DCC Challenge
- K. Jeanine Rohn against AD51 ADEM Rep Vacancy Fill Challenge
- L. Kev Abazajian against Orange County DCC Challenge

## VIII. Adjournment

# **REVIEW OF BYLAWS AMENDMENTS TO BE CONSIDERED ON SUNDAY**

**Bylaw Amendments for consideration and adoption by CDP Executive Board at its Meeting to be held on November 20, 2022, via Zoom**

The notice contains proposed bylaws amendments as follows:

1. Non-substantive amendments regarding nomenclature of committee chairs
2. An amendment clarifying when Special Election Endorsing Caucuses shall be held
3. A new provision allowing the Party to take a position on judicial retention elections
4. A technical amendment to the composition of the Pre-primary Endorsement Review Committee
5. A technical amendment to the composition of the Special Elections Appeal Committee
6. A technical amendment to the process of selecting club representatives to the pre-endorsing conferences
7. A rewrite of Article XI (Special Group Caucuses)

**Adopted at the Rules Committee Meeting held at the 2022 July Executive Board Meeting on July 9, 2022 at the Los Angeles JW Marriott**

**Standing Committees Nomenclature Amendment:**

**ARTICLE V: STANDING COMMITTEES AND SPECIAL COMMITTEES**

...

**Section 4. APPOINTMENT and RESPONSIBILITIES OF CO-CHAIRS:**

- a. The Chair of This Committee, in consultation with the other Statewide Officers, shall appoint a Chair or two Co-chair(s) ~~Lead co-chair(s)~~, and may appoint vice chairs ~~other co-chairs~~, of each Standing Committee from among its members.
- b. The Chair of This Committee may designate the most senior tenured ~~Co-Chair~~ Vice Chair of a Standing Committee, as "Chair Emeritus", in recognition of their terms of service.

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 Vice Chairs ~~other Co-Chairs~~, providing for the overall direction and administration of the Standing Committee.
- 2) The Vice Chairs ~~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.
  - c. It shall be the further responsibility of the ~~Lead~~ Co-Chairs of the Committees on Finance; Justice, Equity, Diversity, & Inclusion; 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 of of This Committee and the 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.

## **ARTICLE VII: EXECUTIVE BOARD**

\* \* \*

### **Section 2. EXECUTIVE BOARD MEMBERSHIP**

The Executive Board shall consist of the following members of This Committee:

\* \* \*

- g. The chair, ~~or~~ co-chairs, and vice chairs of each Standing Committee of This Committee

-

**Adopted at the Special Rules Committee Meeting held via zoom on October 6, 2022**

### **Amendment regarding timing of Special Election Endorsing Caucus**

#### **Article VIII (Endorsements), Section 3, Subdivision e, Paragraph (1):**

(1) In the case of a special election where an endorsement cannot be made at the biennial endorsing convention of the California Democratic Party, for the primary special election, the Chair of This Committee shall cause to be convened a Special Election Endorsing Caucus of the members of This Committee resident in the relevant district, shall designate a convenor and shall appoint a Special Elections Appeals Committee. The date selected by the Chair of This Committee for the convening of the Special Election Endorsing Caucus shall be before the deadline announced by the Secretary of State for the submission of political party endorsements to be included in the sample ballot, unless in the opinion of the Chair of this Committee such date would be impractical. The endorsing caucus shall be comprised of all members of This Committee resident in the district at 5 PM of the day of the Governor's Proclamation of the election, except that:

...

#### **Article VIII (Endorsements), Section 5 by adding Subdivision e, as follows:**

b. This Committee may support or oppose the retention of a justice of the California Supreme Court or of the California Courts of Appeal in the same manner as the adoption of a resolution to endorse or oppose a state ballot proposition, initiative, or referendum, provided that a majority of the statewide officers or thirty (30) members of the Executive Board present a resolution to support or oppose the retention.

#### **Article VIII (Endorsements), Section d 3(b):**

In either case, this written motion must be filed with the Secretary of This Committee by 8 PM on the day that the endorsing caucuses are held at the endorsing convention. The Pre-Primary

Endorsement Review Committee shall be comprised of all members of the Executive Board registered in the relevant district, the Statewide Officers; the Regional Director(s) of the relevant district, and two (2) Executive Board members, appointed by the Chair of This Committee prior to the start of the Convention, from each of the following committees: Rules, Credentials and Organizing. If such a motion for formal objection to the ratification of an endorsing caucus decision is so filed with the Secretary by 8 PM the evening before the period set aside for ratification vote, then the relevant Pre-Primary Endorsement Review Committee shall meet at 8 AM the morning prior to the ratification vote. Presentations for the motion by the filer and against the motion by the endorsed candidate shall be no more than five (5) minutes each. Such a motion for formal objection to the ratification of an endorsing caucus decision may be adopted by the relevant committee by a majority of the committee present and voting.

**Article VIII (Endorsements), Section 3 e (2) Special Elections Process and Appeals Committee:**

(2) A Special Elections Appeals Committee will make the final determination at a meeting no later than five (5) days after an objection has been filed. This Special Elections Appeal Committee shall be comprised of the Statewide Officers; the Regional Director(s) of the relevant district, two (2) Executive Board members, appointed by the Chair of This Committee, from each of the following committees: Rules, Credentials and ~~Voter Services~~ Organizing.

**Article VIII (Endorsements), Section 3(g)5.c.1.a:**

(a) The Chair of the Chartering Organization shall have certified the validity of the Charter, and that the Club was chartered and has submitted a roster of members in good standing duly registered as a member of the Democratic Party of California to ~~both~~ the Chair of the Chartering Organization and to the appropriate Regional Director and the Secretary of This Committee no later than a date that is announced by the state chair and is between 300 and 310 days prior to the following statewide primary election of the year immediately prior to the endorsing process, and that:

**Article XI (Special Group Caucuses) is revised as follows:**

**ARTICLE XI: SPECIAL GROUP CAUCUSES**

**Section 1. DEFINITION**

A caucus is a statewide organization:

a. Which is a constituent part of This Committee, governed by its decisions, and must not take official positions on legislation, resolutions, or other matters, which are contrary to positions taken by This Committee, but, to the extent consistent with its purpose as set forth in Section 2 of this Article XI, may call on This Committee to take action.

b. 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,

c. 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 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.

d. Which has been found by the Rules Committee 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 both at the time of the application for certification/recertification and at all times during the certification/recertification period thereafter;

(1) the finding of compliance at the time of the application shall be 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;

(2) the finding of continuing/ongoing compliance shall be made by the Rules Committee under rules of procedure it shall promulgate and publish, which shall include such hearing as it deems appropriate under the circumstances.

e. 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,

f. 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; provided that in exceptional circumstances, as defined and authorized by the Rules Committee, an interim Chair serving only until such time as the Caucus may conduct an election may be excused from being a member of This Committee; provided, further, that the Caucus' representative on the Executive Board must be a member of This Committee, and,

g. 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. Caucuses are to conduct all of their affairs with an eye toward full and proactive compliance with: (i) the expectations and intent set forth in Article VIII, Section 1.c; (ii) the “one voice” rule in Article VIII, Section 1.d; and (iii) the prohibitions on endorsements in Article VII, Sections 1.h, 1.j and 2.a. 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 consistent with its status as a constituent part of This Committee.

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, but any such participation shall be limited to activities conducted by or in partnership with the Party. Any other such voter outreach or campaign activities are inconsistent with the Caucus’ purpose and, as a result, are prohibited.

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 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 shall include, as a condition of Certification and Re-Certification, a requirement that Caucuses adopt the Code of Conduct and make information about reporting process for violations of the Code of Conduct readily available to members.

### **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 – Prior to September 1, 2023, application for Caucus Certification, or Recertification must be submitted to the Secretary of This Committee, and to the Chair(s) of the Rules Committee of This Committee, at the email addresses designated for this purpose, by the applicable deadline set forth in the Guidelines. As of September 1, 2023, the deadline for submission of an application shall be no later than fourteen (14) after the first regular meeting of the Convention of This Committee in the year after the year in which a regular Gubernatorial election is conducted; provided, however, that an applicant seeking initial certification as a Caucus may also apply in the fourteen-day period immediately following the first regular meeting of the Convention of This Committee in any other odd year. No application submitted outside that time-frame shall be considered.

c. Acknowledgment of Receipt of Application – The Secretary of This Committee or the Chair(s) of the Rules Committee shall, where applicable, acknowledge receipt of the application by no later than the thirtieth day after the first regular meeting of the Convention of This Committee in the year in which the application is submitted, and send confirmation thereof, to the Chair of the Caucus, or proposed Caucus, to the email address designated for this purpose. This acknowledgment shall also list the documents received and identify any required submissions which, from a facial review of the application, appear to be missing and identify a deadline for the submission of any such missing documents, or obviously deficient, documents or information necessary for the Rules Committee to determine certification or re-certification, other than bylaws provisions. Such deficiencies in documentation or information may be corrected via amended application within sixty (60) 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.

d. Time-line for Consideration of Application – By no later than July 17, 2023, the Rules Committee shall advise each existing Caucus which has submitted an application for recertification whether it:

- (1) has met the requirements for recertification and shall be recommended for full recertification at the next meeting of the Executive Board of This Committee and, should that meeting be after the expiration of its current certification, shall be provisionally certified in the interim;
- (2) has been found to be sufficiently in compliance with the requirements for recertification as to be recommended for provisional certification at the next meeting of the Executive Board of This Committee and, should that meeting be after the expiration of its current certification, shall be provisionally certified in the interim; or
- (3) has failed to meet the requirements for recertification and, thus, will not be recommended for recertification and, as a result, its certification will expire and it must disband or apply for certification as a new Caucus.

Should at any time during its period of provisional certification, a Caucus recommended for provisional certification as of July 17, 2023, meet the requirements for recertification and become eligible for full certification at the next meeting of the Executive Board of This Committee, the Rules Committee shall recommend that Caucus for full recertification.

For proposed Caucuses that have submitted an initial application during 2023, the Guidelines shall set forth the timeline for consideration.

For applications in and after 2025, the Rules Committee shall advise the Caucus or proposed Caucus of its recommendation by no later than ninety (90) days after the deadline for submission of the application or, if there has been a notice that required elements of the application were missing and, thus, that the application was deficient, by no later than ninety (90) days after the deadline set for cure of the deficiency.

No later than forty five (45) days prior to the expiration of the term of Official Certification, or

~~in the case of a proposed new caucus the second meeting of the Executive Board of This Committee held after submission of the application, a Chair of the Rules Committee of This Committee designated for this purpose, shall notify the Chair of the Caucus, or proposed Caucus, in detail, of any deficiencies in documentation or information, including the substance of any amendments to Caucus Bylaws necessary to bring the Application into compliance along with the proposed recommendation regarding certification or re-certification.~~

e. Failure by the Rules Committee to Provide Timely Notice of Its Recommended Disposition of the Application – Absent agreement to the contrary by the Rules Committee, failure of the Rules Committee to give timely notice of its recommendation concerning disposition of the application shall be considered as a recommendation for Certification by the Rules Committee and allow the Chair of the Caucus, to make a motion for a specific finding of compliance with the Guidelines for Certification, Re-Certification, and Decertification of Caucuses by the Executive Board of This Committee and Certification of the Caucus, provided fifteen (15) days notice of intent to make such motion is first given to the Secretary of This Committee, and to the Chair(s) of the Rules Committee of This Committee, at the email addresses designated for this purpose.

~~f. Recommended Action on Application – The Rules Committee of This Committee, shall make a recommendation regarding action on the application to the Executive Board of This Committee, prior to the expiration of the term of Official Certification, or in the case of a proposed new caucus the second meeting of the Executive Board of This Committee held after submission of the application.~~

gf. Contents of Application – The application shall contain such information as may be required by the Rules Committee.

## **Section 5. TERM OF CERTIFICATION**

a. All Caucuses that are provisionally or fully certified as of July 11, 2022, shall have their current certification status extended through August 31, 2023, unless revoked for cause as set forth herein; provided, however, that, during this extended certification period, provisional certification may be converted to full certification and full certification may be converted to provisional certification in accordance with procedures for such conversion consistent with this Article XI promulgated by the Rules Committee. The provisions of this subsection (a) shall expire as of September 1, 2023, and without further action of This Committee or its Executive Board, shall no longer be a part of these Bylaws or this Article XI as of that date. The Secretary of This Committee, upon recommendation of the Rules Committee, shall cause subsection b and its subparts to be renumbered accordingly.

b. All official Certifications of a Caucus made effective on or after September 1, 2023, shall extend through the following dates:

- (1) For recertifications, unless revoked for cause as set forth herein, the later of August 31 of the year after the year in which the next regular Gubernatorial election is held or the adjournment of the first Executive Board meeting of This Committee held

after the first regular meeting of the Convention of This Committee in the year after the year in which the next regular Gubernatorial election is held; or

(2) For initial certifications, unless revoked for cause as set forth herein, the earlier of two years after the effective date of the initial certification or the first Executive Board meeting of This Committee held after the first regular meeting of the Convention of This Committee in the year after the year in which the next Gubernatorial election is held.

(3) Notwithstanding the certification terms set forth herein, full certification may be converted to provisional certification and provisional certification may be converted to full certification in accordance with procedures for such conversion consistent with this Article XI promulgated by the Rules Committee; provided that no such conversion shall extend the term of certification of a Caucus.

## **Section 6. DECERTIFICATION**

a. 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 Rules Committee may enter into an agreement with the Caucus or, in the absence of an agreement, order the Caucus to take certain remedial steps to again achieve compliance.

~~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,~~

b. In the event that, after the hearing referenced in subsection (a) above, the Rules Committee determines that remedial steps are an insufficient remedy or in the event that, after a subsequent hearing, the Rules Committee determines that the Caucus has failed or refused to successfully undertake the agreed upon or ordered remedial steps, the Rules Committee shall report a recommendation to de-certify the Caucus to the Executive Board of This Committee. The report shall specifically note the grounds and basis for the Rules Committee's recommendation. Such recommendation may only be overturned by the Executive Board of This Committee, by majority vote, but and 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.

## **Section 7. RECOGNITION OF HISTORICAL IMPORTANCE**

This Committee recognizes that the Black, Asian Pacific Islander, Chicano Latino, Labor, LGBTQ, 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.

# **ADOPT CONVENTION RULES AND TENTATIVE AGENDA FOR 2023 MAY CONVENTION**

## Rules for the 2023 May California Democratic Party Convention

1. The primary purpose of this biennial Convention is to organize the newly-elected constituted Democratic State Central Committee (This Committee) and elect Regional Directors. Matters not heard at the Convention will be received by the Secretary and held over to the next meeting of the Executive Board.
2. The Chair of This Committee shall be the Chair of the Convention and the Secretary of This Committee shall be Secretary of the Convention. In the absence of the Chair of This Committee, the Vice-Chair of This Committee of the self-identified gender other than that of the Chair, shall serve as the Presiding Officer and Chair of the Convention.
3. Delegates to the Convention shall be the members of the Democratic State Central Committee, or their qualified proxies as specified in the Bylaws, whose appointment/election has been transmitted to the State Party no later than Tuesday March 28, 2023, 60 days prior to biennial state convention.
4. Seating of the delegates shall be by the Assembly District within the Region.
5. No one will be admitted to the Convention floor who is not a delegate, or proxy holder, except by special authorization of the State Chair.
6. Credentialing will close at posted times, unless special circumstances exist. At that time, consideration will be given by the Credentials Committee, which can stay open or reopen credentialing. In order to vote, and have one's vote counted, at this Convention, a member must have timely paid their annual DSCC dues and registration fee (or had them waived, by request from the DSCC Member) to This Committee, registered for the meeting, received /obtained their credential prior to the close of credentialing, completed and returned to the proper authority any ballot that may be issued, and agreed to the CDP Code of Conduct, prior the close of credentialing
7. The Credentials Committee shall issue its final report and place the official voting list of delegates in the hands of the Convention Secretary subsequent to the close of credentialing.
8. Election of Regional Directors.
  - a. Regional Directors shall be elected for two-year terms on Saturday of the first Convention of This Committee held in odd numbered years. Regional Directors shall be elected at Regional Caucuses, each composed of all members of This Committee resident in the respective regions. The time for the opening of registration for the Regional Caucus shall be included in the Agenda for the Convention and the Convener must ensure that the Caucus site is available and open by the time called for in the Convention Agenda. To afford all candidates for Regional Director an opportunity to address the Regional Caucus, the Convener shall commence candidate presentations as close to ten minutes after the time for the opening of registration set forth in the Convention Agenda as is practical under the circumstances. Voting will be commenced thirty minutes after the time for opening of credentials called for in the Agenda, and voting will commence without regard to whether any or all candidates have finished their oral presentations. No one will be allowed to vote in the Caucus who has not arrived by thirty minutes after the time called for in the Convention Agenda. Voting members or their proxies standing in line to be registered at the time voting commences are considered to have arrived in time.
  - b. Regional Caucuses, comprised of all members of This Committee resident in the respective regions, shall take place on Saturday, May 27, 2023, for the purpose of electing their respective Regional Directors. The ratification of Regional Directors shall take place on Sunday, May 28, 2023. A candidate for any office shall file a notice of intent-to-run for that office with the Secretary of the Party no later than 5:00 PM, Thursday May 11, 2023, being the day, which is sixteen (16) days prior to the commencement of credentialing for the Convention. Should the incumbent officeholder fail to file the notice of intent-to-run by that date, then the filing deadline shall be extended to 5:00 PM, Friday May 19, 2023, being the date which is nine (9) days prior to the opening of credentialing for the office. No withdrawals shall be allowed after that date.
  - c. Following the close of nomination for officers, no additional nominations shall be permitted, except for an office for which no person has been nominated prior to the close of nominations or for which all persons

nominated have withdrawn.

- d. No vote for any person shall be counted unless the person has been duly nominated for, and has accepted that nomination for the office for which such vote is cast.
  - e. In the event only one person is nominated for any office and such person accepts the nomination, the Secretary of the meeting shall be directed to cast a unanimous ballot for such candidate at the time of the election.
  - f. In the event no candidate receives a majority on the first ballot, a run-off election (second ballot) shall be held between the two persons receiving the largest number of votes actually cast for all candidates who have been duly nominated for and accepted the nomination for the office involved.
  - g. Elections of Regional Directors shall be governed by the provisions set forth in Article III, Section 3, subsections c. of the Bylaws and the deadlines and restrictions on withdrawal shall be as set forth in Article III, Section 3, subsection b of the Bylaws.
  - h. All voting for officers shall be by DNC mandated open ballot process except when there is only one candidate.
9. The Resolutions adopted by the members of This Committee and the Executive Board of the California Democratic Party are expressions of philosophical beliefs and principles that the Party wishes to declare. Any resolution involving a local issue will be referred to the appropriate local Democratic Party entity.

#### RESOLUTION PROCEDURES

- a. Form
  - (1) All resolutions must be typed.
  - (2) Inducement (e.g., Whereas) clauses shall be limited to three (3) or less, and resolve clauses shall be limited to two (2) or less.
  - (3) Resolutions must be no longer than one (1) 8-1/2" x 11" typewritten page.
  - (4) All resolutions must be adopted by a County Central Committee, or a Chartered Democratic Club or sponsored by twenty-five (25) members of This Committee, or a majority of the members of This Committee who meet at a Regional Meeting as described in Article III, Section 4d of the CDP's Bylaws.
  - (5) Resolutions that call for a change in the CDP bylaws or platform, or state the endorsement or support of a candidate for public office or opposition to a candidate who is a registered Democrat, or mandates or restricts the spending of money by the CDP, shall be ruled out of order and will neither be heard by the Resolutions Committee nor be able to reach the floor by way of Section 9(d) below.
- b. Timely Resolutions
  - (1) Resolutions must be received by the State Chair of the Party in Sacramento, by 5 p.m., thirty (30) calendar days prior to a meeting of This Committee, except as provided in subsection (c) below.
  - (2) Copies of resolutions submitted according to the above procedure shall be mailed by the State Chair of the Party to all members of the Resolutions Committee prior to a meeting of This Committee.
- c. Resolutions Committee will present prioritized resolutions in the committee report to the convention body.
- d. Late/Floor Resolutions
  - (1) Twenty-five (25) copied of each resolution must be provided to the Resolutions Committee by the sponsor(s) of the resolution.
  - (2) All resolutions to be considered at a meeting of This Committee must be presented for consideration at the Resolutions Committee meeting preceding the general session. In order to be considered at the general session, a late resolution must have the unanimous consent of the Resolutions Committee to be considered and all resolutions must be approved by the Resolutions Committee. Any resolution



heard by the Resolutions Committee, failing to obtain approval (excluding referrals or those ruled

- “out of order”, may be brought to the floor of a meeting of This Committee with the signatures of three hundred (300) members of This Committee on forms approved by the Resolutions Committee.
- (3) All resolutions to be presented from the floor shall be submitted to the Secretary of the Convention for signature verification by 5:00P.M. on the day before the resolution is presented.
  - (4) The sponsor of a resolution presented from the floor shall be responsible for providing the Secretary of the Convention with sufficient copies of their resolution for each member of This Committee.
- e. Resolutions pending at the close of a Convention of This Committee shall be referred to the Executive Board of This Committee. All such resolutions shall first be presented to the Resolutions Committee for recommendation to the Executive Board. The Resolutions Committee shall recommend: adoption, adoption with amendment, or rejection. Such resolutions shall be presented to the Executive Board for consideration in its original form unless the sponsor agrees to the amendment(s) recommended by the Resolutions Committee.
10. Requests to hang signs, banners and placards must be submitted before the Convention to the Convention Coordinator. A small fee may be charged per sign. No large signs or large quantities of materials will be allowed in the General Session Hall. The only large quantities of materials or large signs allowed in the hall are those that are official CDP materials or have been pre-approved by the CDP and have already been placed in the hall.
  11. PROXIES: Proxies will be subject to the provision set forth in the By-Laws. Because in order to vote, and have one's vote counted, at any meeting of This Committee, a member must have timely obtained their credential prior to the closing of credentials, a member may authorize, by signed written authorization, any registered member of This Committee to obtain their credential on their behalf. The provisions of Article IV, Section 6, subsections a-e shall apply to such authorizations. In all cases at This Convention, proxies vote in districts where the appointing member resides as required by This Committee's By-Laws.
  12. The By-Laws and Rules of the California Democratic Party shall govern over these Rules for the 2023 California Democratic Party Convention in the event of a conflict.
  13. Any matter not provided for in these rules or the California Democratic Party By-Laws and Rules shall be governed by Robert's Rules of Order.
  14. In general, motions subject to floor debate, whether via committee reports or from the floor, shall be subject to the following limits on debate. There shall be three (3) speakers on each side of a motion, including the maker of the motion, and each speaker shall be limited to one (1) minute each. These rules may be suspended by a motion to amend these limits on debate, but such a motion shall not be debatable and may only apply to the specific motion before the body.
  15. Attendees will be required to provide proof of Covid vaccination and negative test upon entrance to the Convention. Additional requirements may be imposed by the Venue and other governing State or Local authorities, and CADEM Staff.

***Rules for 2023 California Democratic Party Convention***

2023 CDP State Convention Tentative Agenda  
May 25 – May 28, 2023

NOTE – Workshops, trainings, caucus meeting, and other activities will be added to this agenda as presenters and speakers are developed and confirmed.

Friday, May 26, 2023

11AM	Credentials Committee
2PM	Rules Committee
3PM – 8:30PM	Credentialing / Registration *
4:30PM	Resolutions Committee
6PM	Welcome Reception
10PM	Hospitality Suites

Saturday, May 27, 2023

9AM – 1PM	Credentialing / Registration *
10:00AM – 11:30AM	General Session
Noon – 1:30PM	Convention Luncheon
1:30 – 4:00PM	General Session
5:00 – 7:00PM	Regional Director Elections
5:00PM	Resolutions Committee (Prioritization)
6:00PM	Convention Dinner
10PM	Hospitality Suites

Sunday, May 29, 2023

9AM – 10AM	Credentialing / Registration *
10AM	General Session
	- Ratification of RD Elections
	- Standing Committee reports
	- Adoption of resolutions

*\* In order to vote, and have one's vote counted, at this meeting, a member must have timely paid their annual Democratic State Central Committee (DSCC) dues to This Committee (or had them waived), paid and registered for the meeting, obtained their credential prior to the close of credentialing, agreed to the CDP Code of Conduct, prior the close of credentialing, and completed and returned to the proper authority any ballot that may be issued.*

*\*\*The Chair may change the timing of agenda items to accommodate scheduling as required.*

# **SUBCOMMITTEE REPORTS**

**TO: Rules Committee, California Democratic Party**

**FR: Sub-Committee on Officers, Elections, Duties, Etc.: G. Anthony Phillips, Subcommittee Lead Chair; Members: Steven Alari, Kathy Bowler, Nicole Fernandez, Izeah Garcia, Harris Mojadedi, Laurence Zaksson**

**RE: Report of the Sub-Committee on Officers, Elections, Duties, Etc.**

**DA: November 9, 2022**

---

**The Subcommittee on Officers, Elections, Duties, Etc met on Wednesday, November 9, 2022 and the following below is the report for that meeting:**

**I. With 5 members present there was a quorum. Members present: G. Anthony Phillips; Steven Alari; Izeah Garcia; Harris Mojadedi; Laurence Zakson; Lead Rules Chair, Coby King; 2 members joined late: Kathy Bowler; Nicole Fernandez**

**II. Ramos Proposal on Removal of Officers**

Author's Explanation: This amendment would allow removal charges filed against an officer to be considered by the next regular State Convention, or a specially called Executive Board meeting or State Convention.

Author's Rationale: After Vice Chair Daraka Larimore-Hall filed charged against former Chairman Bauman in November 2018, it became apparent that the first opportunity to vote on the removal charges would be the next regular Executive Board meeting in August 2019—nine months after the charges were filed. This is because the bylaws as currently written require that charges be considered at the next regular Executive Board meeting, not the next regular State Convention if one would occur prior the next regular Executive Board meeting (as is the case in 2019), and not at a specially called Executive Board meeting or State Convention called for the purpose of considering the charges expeditiously. Had former Chairman Bauman refused to resign and decided to fight the removal charges he would still be Chairman now, allowing his abuse to continue for nine more months. This amendment would fix this issue and allow officer removal charges to be considered by a regular or special meeting of the Executive Board or State Convention.

After discussion it was M/S/P to recommend adopt Article III, Section 6 as amended:

- c. The Secretary, within seven (7) days following receipt of the Answer or the deadline for receipt of the Answer, shall issue to the Filer a Petition, which shall include the Statement of Charges and the Answer. If, within sixty (60) days of the date of the mailing by the Secretary of the Petition, the Filer returns to the Secretary the Petition with the names and signatures of thirty (30) current Executive Board members, an item for Removal of Officer shall be placed on the agenda of the next regular Executive Board ~~meeting~~ meeting or meeting of This Committee, or a special meeting of the Executive Board or This Committee called for the purpose of considering removal, held at least seventeen (17) days after the submission of such Petition by the Filer to the Secretary. When the Statement of Charges is filed by the Conduct Commission, no additional signatures are required and shall be considered as the Petition referred to herein.

Written notice of this agenda item must be mailed to the Executive Board no less than ten (10) days prior to the Executive Board meeting. Where the basis of a Petition is an alleged violation of the Code of Conduct, constituting sexual misconduct, as determined by the Conduct Commission, a Special Meeting of the Executive Board may also be convened to consider the Petition. A special meeting for purposes of considering such a Petition may be called by the Conduct Commission in consultation with the Chair of This Committee. In such circumstances the Chair of This Committee, or in the case of a Petition accusing the Chair of such violation, the Secretary of This Committee, shall provide written notice by letter or electronic mail to the Executive Board at least seven (7) days in advance of such a special meeting.

- d. At said next regular or special meeting ~~of This Committee or of~~ the Executive Board, the item shall be the first item of business after the final credentials report. The Accused Officer may be removed by two-thirds (2/3) vote of all members present and voting, provided there is present and voting at least a quorum of This Committee or 33-1/3 percent of the membership of the Executive Board.

### **III. Larimore-Hall Proposal on Restructuring**

Compared to nonprofit membership organizations, unions and other groups that balance similar activities and goals as the CDP, there is very little counterbalance or offset to the authority of our board Chairperson. The Chair is described in the bylaws as the Party's "Chief Executive Officer" and "Official Voice", combining roles that in many organizations would be divided into two or more elected roles. As a result, the entirety of CDP's staffed operations are under the sole management and discretion of the Chair. In addition, the volunteer activist-driven structures of the organization are also heavily influenced, and in some ways controlled, by the same person.

No motion to adopt

See Exhibit A

### **IV. De Leon Proposal Introducing a Ranked Choice Voting Process to Statewide Officer Elections and Regional Directors**

#### **Article III, Section 3. ELECTION OF STATEWIDE OFFICERS**

a. The Statewide officers shall be elected to their four-year terms at the first meeting of This Committee held immediately following the conclusion of a presidential election year. The election for Officers shall take place as set forth on the agenda mailed to the members. All statewide officers shall be elected by the entire membership of This Committee.

b. A candidate for any statewide office shall file a notice of intent-to-run for that office which must be received by the Secretary of the Party by 5p.m. of the day which is sixteen (16) calendar days prior to the opening of credentialing for the Convention. No withdrawals shall be allowed after that date. Should the incumbent officeholder fail to file the notice of intent to run by that date, then the filing deadline shall be extended to the day which is nine (9) days prior to the opening of credentialing for the Convention. No withdrawals shall be allowed after that date.

c. Following the close of nominations for officers, no additional nominations shall be permitted, except for an office for which no person has been nominated prior to the close of nominations or for which all persons nominated have withdrawn.

**d. The selection of statewide officers shall be conducted through a ranked choice voting process:**

**(1) The ballot shall give voters the option of ranking candidates in order of their preference.**

**(2) For each statewide officer race, voters can make up to or as many rankings as there are candidates in that race.**

**(3) If a candidate receives a majority (over 50 percent) of first preferences, that candidate is elected.**

**(4) If no candidate receives a majority of first preferences, an instant runoff re-tabulation shall be completed within 5 business days of the election. The instant runoff re-tabulation shall be conducted in rounds. In each round, each voter's ballot shall count as a single vote for whichever continuing candidate the voter has ranked highest. The candidate with the fewest votes after each round shall be eliminated from contention until only two candidates remain, with the candidate then receiving the greatest number of votes being elected.**

**(5) To implement and administer these standards, additional rules consistent with this subsection may be adopted.**

**e.** No vote for any person shall be counted unless the person has been duly nominated for and accepted that nomination for the office for which such vote is cast.

**f.** In the event only one person is nominated for any office and such person accepts the nomination, the Secretary of the meeting shall be directed to cast a unanimous ballot for such candidate at the time of the election.

**g. In the event no candidate receives a majority vote at the conclusion of the ranked choice voting process, a runoff election shall be held between the two persons receiving the largest number of votes actually cast for all candidates who have been duly nominated for and accepted the nomination.**

#### **Section 4. REGIONAL DIRECTORS**

**a.** There shall be 16-25 Regional Directors of This Committee who, with its Statewide officers, shall constitute the State Officers of the California Democratic Party.

**b.** Regional Directors shall be elected for two-year terms on Saturday of the first Convention of This Committee held in odd numbered years. Regional Directors shall be elected at Regional Caucuses, each composed of all members of This Committee resident in the respective regions.

**c.** Elections of Regional Directors shall be governed by the provisions set forth in Article III, Section 3, subsections **c.-g.**

**d.** The Regional Directors shall assist the statewide officers in the maintenance and development of the Party organization within their respective regions. They are responsible for developing, assisting, and coordinating the County Central Committees, Clubs & other Democratic organizations within their region, and shall convene a regional meeting of the

members of This Committee in the region with sufficient time for input, or timely resolutions, prior to each meeting of This Committee or its Executive Board.

e. A candidate for Regional Director must be a member of This Committee, and may only file for Regional Director position of the State Party Region in which they are registered to vote. Should a Regional Director re-register outside of their Region during their term of office, they shall be assumed to have vacated the office.

After discussion it was M/S/P to refer to staff and Rules Committee to draft a report of Ranked Choice voting process



# 2023 California Democratic Party Assembly District Election Meetings Procedures

I.	Upcoming ADEM Schedule	4
II.	Introduction	5
III.	Eligibility	5
A.	Candidate Eligibility	5
B.	Participant Eligibility	6
IV.	Candidate Registration	6
A.	General Registration	6
B.	Registration by Non-Citizens	7
C.	Registration Verification	7
D.	Gender Selection	7
E.	Executive Board Selection	7
F.	Candidate Order on Ballot	8
III.	Participant Registration	8
A.	Participant Identification Number (PIN)	8
B.	Online Registration Forms	9
1.	Vote-by-Mail Registration Form	9
2.	In-Person Registration Form	10
3.	Security Measures	10
C.	Registration Verification	10
D.	Post Registration Verification	11
E.	Information Sharing	11
IV.	Ballots	12
V.	Vote by Mail	12
A.	Vote-by-Mail Registration	12
B.	Vote by Mail Ballot Distribution	12
C.	Vote by Mail Return Methods	13
VI.	In Person Voting Locations	13
A.	Location Requirements	13
B.	Location Selection	13
C.	Additional Locations	14
D.	Challenges to Locations Selected	14
E.	Location Scheduling	14

F.	Notice	15
VII.	In Person Voting Procedures	15
A.	Who Runs the ADEM Location	15
B.	Health and Safety Protocols	16
C.	Operating Procedures	16
D.	Accessibility Requirements	17
VIII.	Returning Ballots	17
A.	Vote by Mail Ballots	18
B.	In Person Ballots	18
IX.	Ballot Counting	18
A.	Ballot Processing	18
B.	Valid Ballots	19
C.	Invalid Ballots	19
X.	Results	19
A.	ADEM Results	19
B.	Executive Board Results	20
C.	Tie Breaker Procedures	20
D.	Statement of Vote	20
E.	Posting on Website	20
F.	Publishing of ADEM Scans	20

# I.Upcoming ADEM Schedule

*All times are Pacific Standard Time*

November 9, 2022	Candidate Registration Window Opens - 12:00pm
December 9, 2022	Candidate Registration Window Closes - 12:00pm Deadline to Withdraw Candidate Registration - 6:00pm
December 12, 2022	Vote By Mail Participant Registration Opens - 12:00pm In-Person Participant Registration Opens - 12:00pm Final Candidate List Posted Candidate Statement Submission Form Opens - 12:00pm
December 19, 2022	Candidate Statement Submission Form Closes - 12:00pm
December 23, 2022	Staff Holiday Begins
December 31, 2022	Vote By Mail Participant Registration Closes
January 2, 2023	Staff Holiday Ends
January 6, 2023	Vote by Mail Ballots sent out
January 7, 2023	1st Day of ADEM Meetings
January 8, 2023	2nd Day of ADEM Meetings
January 21, 2023	3rd Day of ADEM Meetings
January 22, 2023	4th Day of ADEM Meetings In-Person Participant Registration Closes - 6:00pm
January 31, 2023	Deadline to verify Voter Registration Last Day for Vote by Mail Ballots to be received

## II. Introduction

The California Democratic Party (“CADEM”) Bylaws (Article VI) provide that an Assembly District Elections Meeting (“ADEM”) shall be held in each of the 80 Assembly Districts in January of each odd-numbered year in order to elect 14 representatives (referred to herein as “Assembly District delegates” or “ADDs”) to the California Democratic Party State Central Committee (referred to in the Bylaws as “This Committee”) and a representative to the CDP Executive Board (referred to herein as “E-Board representatives”).

Further, the By-laws standardize how the elections are to be conducted, and provide, in Article VI Section 1(i), as follows:

*"The Rules Committee of This Committee shall promulgate procedures governing the conduct of the Election Meeting, including the election of 14 delegates to This Committee as set forth in Article II, Section 5, and one representative to the Executive Board, as set forth in Article VII, Section 2(c) "*

These Procedures set out those rules and provide additional details on how the ADEMs are to be organized and conducted. Additionally, these procedures explain how both Vote-by-Mail and In-Person voting will be conducted.

In these Procedures, *italics* are used to indicate rules that are specifically set out by the CDP By-laws. The current CDP By-Laws may be found online at [www.cadem.org/our-party/by-laws](http://www.cadem.org/our-party/by-laws).

These Procedures are, in general, mandatory. ADEMs, which conducted in violation of these Procedures may be subject to challenge, which, especially where it can be shown that the rights of a participant or candidate was violated, could lead to the results being voided in whole or in part, and the convening of a new ADEM.

These Procedures may be supplemented by CDP Staff in consultation with the CDP Chair and the Lead-Co-chairs of the Rules Committee or their designee(s).

## III. Eligibility

### A. Candidate Eligibility

The qualifications for running for Assembly District Delegate (ADD) to the California Democratic State Central Committee (DSCC) are the same as those for participating in the ADEM, with four important caveats:

- 1) the candidate must file their application to the CDP during a filing period that starts 60 days prior to the first ADEM and ends 30 days later, so that they can be checked for eligibility; and
- 2) the candidate must pay a \$40 filing fee to the CDP (which will be waived if the candidate declares a hardship); and
- 3) the candidate must be registered to vote as a Democrat in the Assembly District in which they are applying to run as of the preceding general election (**for 2023, November 8,**

- 2022), unless the candidate turned 18 or was naturalized after that deadline, and is registered to vote at the time of candidacy filing; and
- 4) a candidate does not need to be present to be eligible for election.

If a prospective candidate who otherwise meets the above qualifications is unable to register to vote because of the citizenship status, they may still file as a candidate by:

- A. attesting that if eligible to register to vote they would do so and do so as Party Preference Democratic; and
- B. attesting that they reside at an address within the Assembly District of their candidacy and provide that address; and
- C. obtaining the name, voter registration address, and signature of a registered Democrat in the state of California, which person will be serving as a reference for the person submitting the form; and
- D. attesting that they agree to abide by the Code of Conduct.

## B. Participant Eligibility

In order to “participate” (that is, vote) in the ADEMs, a person is required to be a registered Democrat in the Assembly District in which they are voting. Verification of such registration is required in order for a ballot to be counted. A ballot that cannot be verified will not be counted. The process for verification is explained below.

# IV. Candidate Registration

## A. General Registration

The 2023 Candidate Registration Filing Period will open on Wednesday, November 9, 2022 at Noon and close on Friday, December 9, 2022 at 5 PM. Candidate registration will be conducted using an online form, created by PDI, that will check a potential candidate's voter registration in PDI prior to approval. During the registration process, a candidate will be required to provide accurate registration information, contact information, and payment information to have their candidate registration accepted.

The following information is required, when registering, to check against the voter file:

- First Name
- Last Name
- Residence Address
- Date of Birth

If any of the information does not match the voter file, the system will not be able to verify the Candidate.

If a candidate is unable to register themselves, because they are not being found in PDI, they are encouraged to double check their registration information at the My Voter Status - California

Secretary of State webpage <<https://voterstatus.sos.ca.gov/>>. If, after checking their voter registration with the Secretary of State, they cannot confirm their registration status, they may contact [adem@cadem.org](mailto:adem@cadem.org) for assistance.

## B. Registration by Non-Citizens

If a potential candidate is someone that is unable to register to vote due to their citizenship status, they must register using a paper registration form. This registration process will be subject to the same registration timeline and due date as described in the General Registration above.

On a form provided by the Chair of This Committee and posted alongside the General Candidate Registration Form, potential candidates will:

- 1) attest that if eligible to register to vote they would do so and do so as Party Preference Democratic; and
- 2) attest that they reside at an address within the Assembly District of their candidacy and provide that address; and
- 3) have obtained the name, voter registration address, and signature of a registered Democrat in the state of California, which person will be serving as a reference for the person submitting the form; and
- 4) Attest that they agree to abide by the Code of Conduct.

## C. Registration Verification

Candidate Registration forms will require participants to provide their First Name, Last Name, Residence Address, and Date of Birth as it appears in the voter file. Additionally, participants will be required to provide a working email address.

Candidate Registration for a candidate who is unable to register to vote due to citizenship status must meet the requirements provided in the previous section ("Registration by Non-Citizens") and file the Non-Citizen registration form with the CDP by the candidate registration deadline.

## D. Gender Selection

When registering, a candidate must select whether they consider themselves to be a Self Identifying Female or an Other than Self Identifying Female.

## E. Executive Board Selection

Candidates may indicate whether or not they wish to be an eligible candidate for the executive board representative while registering. If the question is not answered, it will be assumed that the candidate does not wish to be an eligible candidate for the executive board representative.

## F. Candidate Order on Ballot

Candidates will be listed on the ballot, in the order that they complete their Candidate Registration Form. Candidate Registration Forms will be time stamped to determine this order. For Non-citizen Candidates, the Non-Citizen Candidate form will also be time-stamped to determine ballot order.

## III. Participant Registration

Anyone wishing to participate in an ADEM election must be a Democrat registered to vote in that Assembly District. Participants must register with CADEM to receive a ballot and to enable CADEM to collect all participants' information and check it against the voter file.

There are three types of registered participants:

- 1) Vote-By-Mail registration,
- 2) In-Person registration that has been verified, and
- 3) In-Person registration that has not been verified.

Once a participant has filled out a registration form, it is not possible to resubmit their information into a new form.

The Vote-By-Mail Registration Form will open December 12, 2022 at 12:00 PM and close December 31, 2022. The In-Person Voter Registration Form will open December 12, 2022 at 12:00 PM and close January 22, 2023 at 6 PM.

## A. Participant Identification Number (PIN)

Every participant (including candidates) will be issued a Participant Identification Number (PIN) after registering for the ADEM that will be entered on their ballot for the ballot to be counted. PINs are 10 digits long, separated into three parts. Every PIN is specific to each registrant.

The form of the PIN is: ## - # - #####  
For example: 34-1-1234567

The first two digits, to the left of the first hyphen, of the PIN will be the Assembly District number for that candidate or participant. E.g. 01, 03, 09, 23, 39, 80, etc.

The third digit, between the two hyphens, of the identification number will identify the type of registrant.

- 0 - Candidate
- 1 - Vote-by-Mail registration
- 2 - In-Person registration that has been verified



- 3 - In-Person registration that has not been verified

The final seven numbers of the identification number, to the right of the second hyphen, will be assigned in the order that individuals register, regardless of district or registrant type. Each identification number will have an individual set of 7 digits.

## B. Online Registration Forms

There will be two participant registration forms available on the ADEM website. Vote by Mail Registration and In-Person Registration. A participant must fill out the form during the posted window to be eligible and receive a participant identification number.

For the upcoming ADEM elections, the Vote-by-Mail Registration window will open Monday, December 12, 2022 at 5 PM and close Saturday, December 31, 2022. The In-Person Registration window will open Monday, December 12, 2022 at 5 p.m. and close Sunday, January 22nd, 2023 at 6 PM. Vote-by-Mail registration will NOT be available after January 1, 2023.

### 1. Vote-by-Mail Registration Form

In order to have a ballot mailed to them, a participant must complete the Vote-by-Mail Registration form. Participants who complete the vote by mail registration form (and whose registration status is verified by the system) will have a ballot mailed to their mailing address. The mailing address will be obtained from the voter file, through PDI. No changes will be made to mailing addresses.

The Vote-by-Mail registration process will work as follows:

The Vote-by-Mail Registration form will require participants to provide their First Name, Last Name, Address, and Date of Birth as it appears in the voter file. Additionally, participants will be required to provide a working email address.

After providing the required information, the registration form system will check the information against the voter file. For participants who have been verified, they will proceed to the next page. For participants who could not be verified, they will be told they need to try again. The Vote-by-Mail registration form will only accept information as it appears in the Vote File from PDI.

After a participant has been verified, there will be a two-step verification process that must be completed prior to receiving a participant identification number (PIN). When the two-step verification process is completed, participants will receive their PIN on their screen and in a confirmation email. Each participant is responsible for recording their PIN.

Instructions for completing and returning a Vote-by-Mail ballot are below.

## 2. In-Person Registration Form

Participants who would like to register to vote at an in-person location or do not fill out the Vote-by-Mail form by December 31, 2022, must use the In-Person Registration form.

The In-Person Registration Form will require participants to provide their First Name, Last Name, Address, and Date of Birth as it appears in the voter file.

After providing the required information, the registration form will check the information against the voter file. For participants who have been verified, they will proceed to the next page. For participants who could not be verified, a popup window will appear with the following information and buttons:

We could not verify the information you entered. If you would like to try submitting your information again, please click **Try Again**. If you would like to receive an ID Number now and verify your information later, please select **Verify Later**.

Participants who select **Try Again**, will go back to the main screen and have the opportunity to submit their information again. Participants who select **Verify Later** will proceed with the In-Person Registration Form and be given a participant identification number (PIN).

In their confirmation email, containing their participant identification number, instructions will be included to verify their registration. Failure to verify voter registration before the deadline will result in their ballot not being counted.

## 3. Security Measures

Due to past abuse of the participant registration system and thousands of participants being signed up without their knowledge, new measures will be implemented to make it more difficult for participants to be signed up without their knowledge.

An email may only be used 5 times when registering on either of the registration forms. Attempting to use an email that has been used more than 5 times will result in the registration being rejected.

When using the Vote by Mail registration form, the registration form will only allow an IP to be used 5 times. If a registration form is used from an IP address that has been used 5 times already, then the registration will be rejected.

## C. Registration Verification

The Vote by Mail Registration form will require participants to provide their First Name, Last Name, Address, and Date of Birth as it appears in the voter file. Additionally, participants will be required to provide a working email address.

The In-Person Registration Form will require participants to provide their First Name, Last Name, Address, and Date of Birth as it appears in the voter file.

CADEM uses Political Data Inc. for its voter file. All information is verified using their programs and voter file. In the case that voter information can not be verified, only records from the Secretary of State will be accepted. Registration records and voter affidavits from County Registrars may not be accepted.

## D. Post Registration Verification

For participants who are unable to complete the verification process and choose to verify their voter registration later, they will be required to provide proof of their voter registration from the Secretary of State in order for their ballot to be counted.

For all “Verify Later” participants, CADEM will have PDI do a secondary check of the information submitted, to see if any additional participants' information is verified.

For those participants for whom verification could not be completed, CADEM will send an email instructing them to go to the My Voter Status - California Secretary of State Website <<https://voterstatus.sos.ca.gov/>> to provide proof of their registration. Participants will need to upload a photo, print out, pdf, etc. of their voter registration information. An upload link will be emailed to participants who need to submit verification. The information they submitted when registering must match the information on the SOS form.

Only records from the Secretary of State will be accepted. Registration records and voter affidavits from County Registrars may not be accepted. If a participant is not able to complete the verification process (either through the system or by submitting proof of registration to CADEM) by January 31, 2023, their ballot will NOT be counted.

## E. Information Sharing

Each registration form will provide an option for a participant to make their contact information available to registered candidates. This will be done using an Opt-In checkbox on the registration form. The only information that will be shared will be First Name, Last Name, Address, Email, and Phone Number. Only participants that check the Opt-In box, will have their information shared. Participant information will be shared via a Google Sheet that will be regularly updated.

## V. Ballots

All ballots, whether vote-by-mail or in-person, are identical forms printed by the Scantron company. It is up to each participant to:

- 1) Enter their PIN on the appropriate place on the ballot
- 2) Look up the list of candidates for their ADEM
- 3) Vote for no more than 14 candidates by filling in the appropriate bubbles on the ballot form.
- 4) Not vote more than one ballot

For a ballot to be counted, a valid PIN must be entered on the front side of the ballot. Participants will need to clearly write their PIN and fill in the corresponding bubbles for that number. If the written PIN is not legible or the written PIN and the bubbled PIN do not match, the ballot may not be counted as valid.

On the backside of the ballot, up to 14 bubbles may be selected. There are no requirement to gender-balance votes on a ballot.

## VI. Vote by Mail

### A. Vote-by-Mail Registration

As explained above, participants who would like to have a ballot mailed to them will use the Vote-by-Mail Registration form. Participants who complete the vote by mail registration form will have a ballot mailed to their mailing address. The mailing address will be obtained from the voter file, through PDI. No changes will be made to the mailing address.

Vote-by-Mail Registration will open December 12, 2022 at 5:00 PM and closes December 31, 2022. Vote-by-Mail requests will not be available after January 1, 2023.

### B. Vote by Mail Ballot Distribution

After January 1, 2023, CADEM will send the list of those registered to vote by mail to our Mail Vendor. The goal is for all ballots to have been sent out via USPS by January 6, 2023. Ballots will be mailed to each participant's registered mailing address. No changes will be made.

A ballot packet will include an outer envelope, a return envelope, and a ballot. Voters will be required to go to the ADEM website to look up who the eligible candidates are in their Assembly District.

## C. Vote by Mail Return Methods

A vote-by-mail ballot may be returned by sending it back in the mail or by dropping it in a ballot box at any ADEM Meeting.

Ballots returned by mail must be received by CADEM on or before January 31, 2023. Any ballot received after that date will not be counted. There is no postmark rule.

Ballots returned at an ADEM Meeting must be dropped in a ballot box prior to the close of that meeting.

# VII. In Person Voting Locations

## A. Location Requirements

Per the CADEM Bylaws, each location site must be ADA-compliant, including the path of travel from parking to registration and voting tables. There must be easy access to spaces for all Democrats who wish to participate in the ADEM activities. Regardless of elevator availability, locations with stairs are required to allow all participants to reach the balloting area easily. Elevators may fail, so there must always be an alternative access route.

There should be sufficient room for voters to line up and cast ballots inside the building. If it is necessary to include outdoor areas, they should be protected from the elements.

There should be sufficient parking, including sufficient ADA-compliant parking, sufficient room for election balloting and problem tables, which may be dramatically increased in number depending on the district's population.

ADEM locations must serve as drop-off locations for those dropping off their vote-by-mail ballot. There must be area(s)/room(s) to facilitate check-in of participants without vote-by-mail ballots. Each participant who has registered to vote in the ADEM should be provided a ballot.

Each Assembly District location will accept ballots for ALL Assembly Districts. And each should have at least one large ballot box.

There must be robust cell service and strong Wi-Fi service is strongly encouraged.

## B. Location Selection

Per the CADEM Bylaws, there must be at least one ADEM location in each Assembly District. The CDP shall publicize a list of ALL locations.

All locations should be open for 4 hours, opening to the public no earlier than 10am but no later than 2pm.

The cost of a location should not exceed \$650 or be free of cost whenever possible.

Regional Directors should attend every ADEM in their Region to the extent possible. Assembly Districts the Regional Director is assigned to may change if there is concern about equitable distribution of work.

## C. Additional Locations

There may be more than one location in each Assembly District, especially if there is a good cause. “Good cause” may include the necessity for traveling very long distances, traveling in heavy traffic through dense population centers, or traveling in hazardous weather conditions.

In addition to adding one or more locations to an Assembly District, the CDP Chair may designate a location as serving more than one Assembly District. For 2023, the Chair has designated every ADEM location as being able to serve every district. A ballot will be counted for the candidates the participant is eligible to vote for, regardless of the ADEM location they drop their ballot at and regardless of the election date.

## D. Challenges to Locations Selected

Any DSCC delegate member may challenge location decisions affecting the Assembly District in which they are registered to vote to the Compliance Review Commission by November 22, 2022.

Such filings may challenge decisions regarding specific locations or the number of locations for a particular Assembly District.

Challenges concerning specific locations must include an immediate and available alternative to the selected location that meets the location criteria in these ADEM Procedures at a similar cost. In its sole discretion, the Compliance Review Commission may dismiss such a challenge if it does not contain the required information on an alternative location as to its availability and suitability.

## E. Location Scheduling

Regional Directors, their selected Conveners, CDP Staff, and the CDP Chair shall work together to identify and secure a location(s) for the Election meetings and must begin posting final ADEM in-person locations by November 15, 2022.

## F. Notice

The Regional Directors, Conveners, CDP Staff and the CDP Chair must make a reasonable effort to make known to all registered Democrats in the Assembly District of the date, time, place and purpose of the Election meetings, the rules for participation in the Election meeting, filing deadlines and rules to run as a candidate and how to vote in the ADEM no later than December 21, 2022.

At the very least the following persons should be noticed:

1. All Members of the 2021-23 DSCC Delegation - (to be notified by the CDP Chair and staff).
2. All Democratic County Central Committee members residing in the new 2022 Assembly Districts (if one or more counties lie wholly within the District, the notice shall be transmitted to all members of that County Committee). - (to be notified by the Convener, Regional Director and County Chairs)
3. All attendees of the previous Assembly District Election Meeting - (to be notified by the CDP Chair and Staff)
4. Chartered organizations and clubs

## VIII. In Person Voting Procedures

### A. Who Runs the ADEM Location

The Regional Director, Convener and/or the Convener's designee shall preside at the Election Meeting as chair and shall be responsible for conducting the Election Meeting in compliance with these ADEM Procedures. It is encouraged the Regional Directors attend all of their ADEM(s) as an advisor and observers of the Election meeting(s).

The selected Convener must be (1) a registered Democrat and (2) pledge not to seek a DSCC seat from that ADEM."

The Convener has six basic responsibilities:

1. Assist the CADEM Chair and CDP Staff in finding and securing a **location** for the Election Meeting
2. Assist the CADEM Chair and CDP Staff in sending **notices** regarding the Election Meeting. In addition, Conveners are encouraged to provide support for languages other than English that are commonly spoken in their Assembly District. It is recommended that notice be sent, via a press release, to at least one newspaper serving the area, posted to CADEM digital and social media channels and posted with a link to the CDP ADEM website page noticing the Election meeting.
3. **Act as the person in charge** at the Election Meeting, or, if the Convener so chooses, **designate** any registered Democrat who is not standing as a candidate for ADD representative to assume these responsibilities for the Election Meeting. This includes

- overseeing check-in and balloting and enforcing these Procedures.
4. **Transmit** various information to the CDP after the Election Meeting is over.
  5. The Convener shall also take reasonable steps to enforce the electioneering rules, which prohibit campaign activity inside the building where the ADEM meeting is happening, or within 100 feet of an entrance to the meeting room.
  6. The Convener shall work with the Regional Director to ensure a sufficient number of copies of the candidate list for that District, and other surrounding districts are printed and available on site for voters.

## B. Health and Safety Protocols

All ADEM participants must adhere to the California Democratic Party Code of Conduct. Regional Directors, Conveners and CDP Staff must be sure behavior contributes to making these elections a welcoming, respectful, friendly, safe, supportive, and harassment-free environment.

Renting a location due to COVID can be difficult and the following should be considered:

1. Outdoor ADEMs can be set up in parking lots, hospital parking lots or parks, large indoor union halls or locations easy to find and accessible from the main freeway or public transportation whenever possible.
2. All ADEMs must allow participants to register to vote onsite:
3. All outdoor elections should have tent covers and PPE (Personal Protection Equipment) supplies and easy access to parking lots near the ADEM venue.
4. All ADEMs must comply with the Americans with Disabilities Act (ADA) accessibility standards.
5. All ADEMs should have PPE face masks, face shields, gloves, sanitizers, and wipes. - (CDP) will reimburse Regional Directors and/or conveners who purchase PPE materials items to ensure the safety of all participants.

## C. Operating Procedures

The primary purposes of an ADEM site is the distribution of ballots and collection of ballots. All locations will be open for 4 hours, opening to the public no earlier than 10am but no later than 2 pm. As soon as a location opens, ballots should begin to be distributed. No speeches will be allowed in the voting room.

Electioneering is strictly prohibited inside the building where the ADEM is happening, or within 100 feet of an entrance to the meeting room. Additionally, any attempts to delay, disturb, or stop the administration of the voting site or ability of a participant to vote may result in disciplinary action.

At each ADEM location the Convener or a volunteer will be tasked with distributing ballots to eligible participants. To receive a ballot an eligible participant will need to show the person(s) distributing ballots their Participant Identification Number (PIN). After seeing a ten-digit number, the Convener or volunteer will hand the participant a ballot. Only one ballot per participant may be distributed. The person(s) distributing the ballots should be focused on handing out ballots as



quickly and efficiently as possible. The person distributing ballots is not to question the validity of a PIN.

If anyone in line does not have a PIN, they will be asked to step aside and fill out the In-Person Registration form to receive a PIN. The Convener should have a process in place for those without access to a mobile device to be able to register online.

When the 4-hour window has expired, anyone that is still in line to receive a ballot will have the opportunity to receive a ballot. Once the last person in line has received their ballot, no more ballots shall be distributed. At this point the convener shall announce that in 15 minutes, all ballots must be cast, stating the time that ballots must be placed in the ballot box. After that time has expired, no more ballots will be accepted.

When the time for balloting has ended, the Convener shall proceed to count the number of ballots (but not the votes). While counting, participants may still submit ballots, but no more ballots may be distributed. Ballots should be counted prior to packing them in the shipping boxes. Once all ballots have been counted and the shipping box has been sealed, no more ballots may be accepted.

The Convener shall transmit the number of ballots to the CDP staff. The ballot box shall be sealed with the voted ballots and delivered to one or more addresses designated by the CADEM Staff.

All remaining materials and blank ballots will be returned to CADEM Staff or the Regional Director.

## D. Accessibility Requirements

All Election meetings must consider Americans with Disabilities Act (ADA) accessibility standards. Each ADEM location should provide a reasonable balance between population and geographic centrality; should, if possible, provide access to transit; and must fulfill the following characteristics:

1. ADA compliance, including the path of travel all the way from parking to registration and voting tables. Locations where stairs, regardless of elevator availability, are required to reach the registration and balloting area, should be avoided since elevators can fail.
2. Sufficient room for queuing, preferably inside the building, but if necessary to include outside portions, such outdoor areas must be protected from the elements.
3. Sufficient parking, including sufficient ADA-compliant parking. Sufficient room for registration tables, which may be dramatically increased in number.

## IX. Returning Ballots

Ballots must be returned at an ADEM Meeting location or by mail. Ballots will ultimately be shipped to the Scantron Counting Facility in Minnesota. All ballots will be shipped via UPS.

## A. Vote by Mail Ballots

VBM ballots may be returned by mail or dropped off at any ADEM location while they are open. The Statewide schedule of all the ADEMs will be posted on the CADEM website.

Ballots returned by mail must be **received** by CADEM on or before January 31, 2023. Any ballot received after that date will not be counted. Ballots will be collected at the mailhouse that sent them out originally. Ballots will be collected, packed into a shipping box, and shipped to Scantron for counting on a regular basis.

## B. In Person Ballots

At each ADEM Location, there will be a secured ballot box where people will cast their ballots. The ballot box shall remain in possession of the Convener, Regional Director, or CADEM Staff at all times. Once a ballot has been submitted, it may not be removed from the ballot box.

At the conclusion of the ADEM Meeting, the Convener, Regional Director, and/or CADEM Staff will remove the ballots from the ballot box and place them in a shipping box, to be sent to the Scantron Counting Facility in Minnesota.

UPS will send shipping boxes to the Scantron Counting Facility in Minnesota.

# X. Ballot Counting

## A. Ballot Processing

Ballots will be counted by the Scantron Company, which also produced the ballots. All ballots will be shipped to the Scantron Counting Facility in Minnesota.

CADEM provides Scantron with expected delivery information in a shared document that displays tracking numbers, drop off date and origin location. Scantron updates the document when each package is received.

Scantron also creates an internal log that lists the date received and tracking numbers of each package.

All packages are opened, prepped for scanning, weighed for an estimated count and turned into the scanning department. All miscellaneous mail received is set aside and stored to be returned to CADEM at the end of the project. A traveling document follows the ballots throughout the rest of the process.

Ballots are moved into our secure scanning room and scanned on Scantron's Insight 150 scanners. Scantron designed a unique scan application to recognize the ballots and markings

on each form while creating images of each form. Ballots not successfully scanned due to their physical condition are pulled and labeled as damaged. All scanned forms are then boxed, labeled and stored until the end of the project.

After the physical forms are scanned, the data is created by running it through the scanning application and data verification program. The program recognizes marks that it can identify and brings up questionable marks for human verification. "Keyers" can review questionable marks from the images that the scanner created.

After Key Entry Verification, batches are exported into an access table where the invalids are reviewed. Invalids include duplicate id's, invalid id's, missing all or part of the id's, and ballots with more than 14 selections. Once the invalids are reviewed the data is exported to an excel data file. An internal program then updates the website counts and sorts images into each districts' assigned valid and invalid folders.

## B. Valid Ballots

For a ballot to be counted, a valid Personal Identification Number (PIN) must be entered on the ballot.

## C. Invalid Ballots

There are 3 ways that a ballot may be considered invalid.

Duplicate PIN - If two or more ballots have the same PIN number, then both ballots will be rejected.

Invalid PIN - If the PIN is not a valid number, then the ballot will be rejected. This may include that the PIN entered is missing numbers or is not a valid number.

Too Many Selections - If a ballot has 15 or more bubbles filled in, then the ballot will be rejected.

Final determination of whether a ballot is considered Valid or Invalid is determined by the Scantron Company. CADEM Staff will not overturn a decision made by the Scantron Company.

# XI. Results

## A. ADEM Results

For each Assembly District, there will be a total of 14 winning candidates. The 7 Self Identifying Females and 7 Other than Self Identifying Females receiving the most votes shall be the Assembly District Representatives to the California Democratic State Central Committee. .

## **B. Executive Board Results**

For each Assembly District, the candidate who receives the most votes among those indicating they would serve as Executive Board representative and also is one of the 14 winning candidates, shall be the new Executive Board representative for that Assembly District.

## **C. Tie Breaker Procedures**

Note that ties only matter if it creates a situation where more persons are tied for last place than there are slots available. In the case of such a tie, the tie breaker shall be by lots and conducted at a mutually convenient time and place after the tie is determined.

## **D. Statement of Vote**

The results of the ADEM elections will first be released in a PDF document, as a Statement of the Vote. The Statement of the Vote will include election statistics and District results.

The Statement of Vote will be distributed by email to all candidates and participants.

## **E. Posting on Website**

Within 48 hours of the Statement of Vote being posted, the candidate pages on the website will be replaced with the results.

## **F. Publishing of ADEM Scans**

Scantron will send CADEM digital copies of all ballots submitted. CADEM will upload those ballots onto Google Drive and will make the files available.

# **COMPLIANCE REVIEW COMMISSION (CRC)**

**REFERRED TO RULES**

**APPEAL**

**JASON A. BEZIS**  
3661-B Mosswood Drive  
Lafayette, CA 94549-3509  
jason@bezislaw.com

October 16, 2022

Diana Love  
Interim Secretary, California Democratic Party  
Rusty Hicks  
Chair, California Democratic Party  
**VIA E-MAIL TO:** [diana@cadem.org](mailto:diana@cadem.org); [chair@cadem.org](mailto:chair@cadem.org); [unique@cadem.org](mailto:unique@cadem.org)

Re: Appeal of CDP Compliance Review Commission Decision of Oct. 5, 2022 (Concerning April 23, 2020 Challenge – Adoption of Endorsement Procedures of Contra Costa County Democratic Central Committee); Notify of Intent to Testify

To the California Democratic Party Rules Committee (c/o Secretary Love and Chair Hicks):

This letter is to serve as Petitioner Jason A. Bezis’ appeal of the CDP Compliance Review Commission (CRC) decision dated October 5, 2022 relating to the April 23, 2020 Challenge Concerning the Contra Costa County Democratic Central Committee. This letter is also to serve as Petitioner’s Notice of Intent to Testify. Pursuant to CDP Bylaws, Article XII, Section 2(e), Mr. Bezis files this appeal with the CDP Secretary and a copy to the CDP Chair on October 16, 2022, within twelve days of the decision.

As a threshold matter, Mr. Bezis notes that the operative Challenge complaint states at its top: “April 23, 2020 (re-submitted on April 29, 2020 in accordance with 4/24/20 Unique Wilson e-mail).”

First, Mr. Bezis protests the long, unexplained delay between the date of filing of this Challenge complaint in April 2020 and the issuance of the CRC’s decision in October 2022. This delay has been especially prejudicial to Mr. Bezis because the CRC issued five decisions affecting him on October 5, 2022, forcing Mr. Bezis to prepare appeals against all five decisions at once. Furthermore, during the two and a half year pendency of these Challenges, the Contra



Costa County Democratic Central Committee twice has taken retaliatory action against Mr. Bezis, removing him from the County Committee without due process and in an illegal, discriminatory manner based on Mr. Bezis's race, national origin, religion and sex on April 15, 2021 and again on March 17, 2022. Mr. Bezis believes that the County Committee took these actions in order to attempt to undermine Mr. Bezis's standing in the pending challenges before the California Democratic Party.

Second, Mr. Bezis disagrees with the CRC's disposal of this Challenge on this basis: "The CRC did not find jurisdiction in this challenge." The Order simply states, "The CRC denies the challenge as no jurisdiction was found," without further explanation. (October 5, 2022 Decision, p. 3.)

Mr. Bezis contends that the CRC does have jurisdiction. Mr. Bezis's Challenge complaint specifically alleged, "The State Party Compliance Review Commission has jurisdiction over this complaint because it concerns endorsements under Article VIII of the CDP Bylaws [CDP Bylaws, Article XII, Section 2(a)] and Article XIII violations." (p. 2.) Nowhere in the three-page Decision of October 5, 2022 does the CRC discuss and/or specifically refute Mr. Bezis's allegations about jurisdiction. Nowhere does the October 5, 2022 Decision discuss CDP Bylaws Articles VIII and XIII. Nowhere does the October 5, 2022 Decision discuss the CDP Open Meeting Rule.

Mr. Bezis is informed and believes that for the November 2020 election, the Contra Costa County Democratic Central Committee endorsements automatically became endorsements of the California Democratic Party, pursuant to CDP Bylaws, Article VIII, § 4. Therefore, the County Committee endorsements procedures for the November 2020 election are within the jurisdiction of the California Democratic Party Compliance Review Commission. As the April 23, 2020 Challenge alleges, "The 4/16/20 agenda strictly limited discussion and

debate on controversial, major changes to DPCCC endorsement procedures. Just two speakers were permitted for and against Proposals #1 and #2 (one minute each). Just three speakers were permitted for and against Proposal #4 (one minute each). For a body with more than 50 voting members, this was far too restrictive. It seemed designed to limit open discussion and take away endorsements powers from the body.”

Furthermore, **CDP Chair Rusty Hicks personally appeared at the beginning of the April 23, 2020 Contra Costa County Democratic Central Committee, praised the local leaders, and praised the Zoom format. CDP Chair Hicks thereby placed the California Democratic Party’s imprimatur of approval on that meeting.**

The California Democratic Party deliberately chooses to review County Committee bylaws and endorsement procedures in a secretive fashion. The California Democratic Party communicates with County Committee leaders about bylaws/endorsement procedures review, but neither the California Democratic Party nor County Committee leaders share the content of those communications with County Committee members. Mr. Bezis asked both County Committee leaders and the California Democratic Party for such communications concerning the November 2020 California Democratic Party endorsements, but both refused to share them. Consequently, County Committee members were forced to rely solely on County Committee leaders’ representations about the California Democratic Party’s requests and demands concerning endorsement procedures, including the timelines and deadlines, without any ability to confirm those matters independently with the California Democratic Party. As a result, in April and May 2020, Contra Costa County Democratic Central Committee members were forced to rush approval of endorsement procedures for the November 2020 election based only on what County Committee leaders verbally told them during the Zoom meetings

(with no questions permitted of County Committee leaders and discussion strictly limited and regulated). Consequently, the Contra Costa County Democratic Central Committee at its May 2020 meeting delegated to a subcommittee the power to draft and submit directly to the California Democratic Party endorsement procedure amendments that never were actually approved by the County Committee as a whole. County Committee leaders insisted that the CDP Rules Committee needed to receive the endorsement procedures by May 31, 2020 for a Rules Committee meeting in mid-July 2020 (more than six weeks later). County Committee leaders insisted that the County Committee could not review and/or approve endorsement procedures at the June 2020 meeting because the California Democratic Party would not permit the endorsement procedures to be changed after May 31, 2020 (even though the Cal. Dem. Party Rules Committee would not meeting until mid-July 2020, weeks after the June 2020 County Committee meeting).

Many other Contra Costa County Democratic Central Committee members shared Mr. Bezis's concerns in this Challenge, as evidenced by the testimony of Melanie Smith, Diddo Clark and Paul Seger that are in the case file. Many rank-and-file Contra Costa County Democrats are dissuaded from filing Challenges with the CDP due to the CDP's byzantine and draconian filing requirements and due to credible threats of retaliation (and actual retaliation) by the Contra Costa County Democratic Central Committee and other politically influential local individuals and organizations. **The retaliatory discrimination, abuse, and blatant, overt bigotry from the Contra Costa County Democratic Central Committee that Mr. Bezis has suffered based on his race, national origin, religion and sex, especially the retaliatory actions taken at the April 15, 2021 and March 17, 2022 meetings to oust him from the Democratic Party, are warning**

**signals to anyone else who dares to challenge the Contra Costa County Democratic Central Committee before the California Democratic Party or Democratic National Committee.**

The Charter of the Democratic Party of the United States asserts in Article Eight (Full Participation), Section 2, “Discrimination in the conduct of Democratic Party affairs on the basis of sex, race, age (if of voting age), color, creed, national origin, religion, economic status, sexual orientation, gender identity, ethnic identity or disability is prohibited, to the end that the Democratic Party at all levels be an open party.” (Emphasis added.) **Mr. Bezis demands that the Democratic National Committee and the CDP investigate the race, national origin, religion, and sex discrimination that occurred against him**, relating to the Contra Costa County Democratic Central Committee votes to remove him from membership on April 15, 2021 and March 17, 2022, including the **failures by CDP Chair Rusty Hicks and his employees, agents and appointees** (including but not limited to members of the CDP Compliance Review Commission and CDP staff members) to undertake all appropriate investigatory and remedial action.

The October 5, 2022 Decision also is deficient because it failed to address Mr. Bezis’s Bipartisan Campaign Reform Act (BCRA) concerns, which could trigger federal and state campaign finance investigations and/or violations and/or liability involving the Democratic Party at all levels: “The endorsements procedures also raise Bipartisan Campaign Reform Act concerns in that Democratic clubs would be given direct and substantial influence and control over CDP endorsements.” (April 2020 Challenge, p. 4.)

Mr. Bezis requests that the Rules Committee reverse the CRC, find jurisdiction, and resolve this Challenge on its merits. Mr. Bezis hereby provides notice of his intent to testify.

Respectfully submitted,

/s/ Jason A. Bezis

JASON A. BEZIS, Petitioner; member, Democratic State Central Committee (AD 16)

# **CRC DECISION**

## MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: October 5, 2022

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

---

### **INTRODUCTION:**

On April 23, 2020, Mr. Jason Bezis submitted a challenge relating to the actions of the Democratic Party of Contra Costa County Central Committee (DPCCC). The challenge alleges that the DPCCC violated the following:

1. That the endorsement procedures considered and/or adopted by the Committee at its April 16<sup>th</sup> meeting were not in accordance with the DPCCC duly adopted By-Laws or with fundamental rules of fairness.
  - a. DPCCC Executive Committee used COVID-19 pandemic and electronic meeting to attempt to seize control of the endorsement process from the body.
  - b. Voting was not secure and confusing
  - c. Agenda enforced limited discussion and debate on controversial change to the DPCCC endorsement procedures
  - d. A vote was conducted well after 10:00pm
2. The April 16<sup>th</sup> meeting violated CDP By-Laws, Article VIII Endorsement and CDP By-Laws Article XIII General Policies on Public Meetings
  - a. Zoom format and participation did not allow for full participation

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

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

1. Challenge submitted by Mr. Bezis filed on April 23, 2020 and two supporting documents
  - a. Exhibit A – DPCCC Final Agenda 04.16.20
  - b. Exhibit B – Endorsement Rules and Procedures Amendments
2. Testimony submitted by Diddo Clark, Jason Bezis, Jeff Koertzen, Melanie Smith, Sue Hamill and a late response by Paul Seger
3. CRC Procedural Rules
4. DPCCC By-Laws

**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 did not find jurisdiction in this challenge.

**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 November 2018, unless otherwise indicated.)

Mr. Bezis filed his challenge within 7 days of the April 16, 2020 incident, thus the challenge was timely.

**STANDING:**

According to Article XII, Section 3:

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

Mr. Bezis is a member of the DPCCC, thus the CRC finds that he has standing as he was adversely affected.

**FINDINGS:**

The CRC thought it pertinent to clarify the job and purpose of the CRC when it comes to County Central Committee actions. The CDP and the CRC are not an appeals court for County Central Committees.

In California, Central Committees are separate legal entities that are in charge of their own affairs. The legal distinction is very important because it is in the interest of the CDP, under campaign finance laws, for them to remain independent so that CDP does not become responsible for their fundraising activities and reporting responsibilities.

Every Central Committee is its own political Committee under both Federal and State laws.

We try to be very careful to delineate that we do not have control over Central Committee business, with the exception of two rights that the CDP grants to Central Committees. We grant Central Committees the option to elect representatives to our DSCC and to our Executive Board. The other is the DSCC adoption of Central Committee Endorsements.

**ORDER:**

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

The CRC denies the challenge as no jurisdiction was found.

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 6b, the filing of an appeal shall not stay any decision of the CRC. Parties may additionally respond in person, 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 6-0 vote of the members of the CRC,

Tim Allison, Co-Chair, Credentials Committee

Kathy Bowler, Co-Lead Chair, Rules Committee

Nicole Fernandez, Co-Chair, Rules Committee

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

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

Keith Umemoto, Co-Chair, Credentials Committee



# **ORIGINAL COMPLAINT**

**JASON A. BEZIS**

**3661-B Mosswood Drive Lafayette, CA 94549-3509 (925) 962-9643 jbezis@yahoo.com**

April 23, 2020 (re-submitted on April 29, 2020 in accordance with 4/24/20 Unique Wilson e-mail)

Compliance Review Commission of California Democratic Party

c/o Jenny Bach ([secretary@cadem.org](mailto:secretary@cadem.org))

c/o Rusty Hicks ([rusty@cadem.org](mailto:rusty@cadem.org))

Secretary, California Democratic Party

Chair, California Democratic Party

cc: CDP staff members Kathy Bowler ([kathy@cadem.org](mailto:kathy@cadem.org)) & Unique Wilson ([unique@cadem.org](mailto:unique@cadem.org)); Democratic Party of Contra Costa County Central Committee Chair ([mlalegria@comcast.net](mailto:mlalegria@comcast.net))

Re: Challenge Concerning Endorsement Procedures Approved by Democratic Party of Contra Costa County at April 16, 2020 Meeting In Violation of CDP Bylaws & DPCCC Bylaws

To the California Democratic Party Compliance Review Commission (c/o Secy. Bach & Chair Hicks):

Petitioner Jason Bezis (AD16) is a member of the Democratic Party of Contra Costa County Central Committee ("DPCCC"). He submits this challenge on behalf of himself and other members adversely affected by DPCCC actions. This challenge concerns endorsement procedures approved by the DPCCC at its April 16<sup>th</sup> meeting (agenda is attached as Exh. A; proposed endorsement procedures attached as Exh. B). The proposed procedures (#1-#4 in Exh. B) in violation of CDP and DPCCC bylaws would transfer power over endorsements from the body to the Executive Committee, which would dominate the Endorsements Committee.

CDP Bylaws state, "In order for the endorsement of the County Central Committees to become the official endorsements of the California Democratic Party, the following must be met: ... All endorsements shall be made in accordance with the County Committee's duly adopted By-Laws provisions." [Article VIII, Section 4(c).] CDP bylaws also state, "The endorsing provisions of the relevant County Central Committee by-laws have been reviewed and approved by This Committee as consistent with its own By-Laws and with the fundamental rules of fairness to which the California Democratic Party is committed." [Article VIII, Section 4(b).] Petitioner contends that endorsement procedures considered and/or adopted by the DPCCC at its April 16, 2020 meeting are not in accordance with the County Committee's duly adopted By-Laws or with fundamental rules of fairness. Petitioner also contends that the April 16, 2020 DPCCC meeting violated CDP Bylaws Article XIII (including but not limited to "Public Meetings; "meetings must be held in places accessible

to all Party members;” full and timely “Publication of Selection Procedures;” “Secret Ballot and Voter’s Right to Know”) and the CDP’s Open Meeting Rule. (Bylaws: <https://contracostadems.com/documents-forms/>)

This challenge is submitted pursuant to CDP Bylaws, Article XII. In compliance with Article XII, Section 4, Petitioner has filed this written challenge “no later than seven (7) calendar days after the alleged violation occurred” and originally served it upon the required parties on April 23, 2020. The State Party Compliance Review Commission has jurisdiction over this complaint because it concerns endorsements under Article VIII of the CDP Bylaws [CDP Bylaws, Article XII, Section 2(a)] and Article XIII violations.

#### **Procedural Objections to 4/16/20 DPCCC Meeting (CDP Bylaws Art. XIII Violations)**

The DPCCC Executive Committee is using the COVID-19 pandemic and the electronic meeting format to attempt to seize control of the endorsement process from the body, in violation of DPCCC bylaws. The endorsement procedure amendments came to the body irregularly. They had not been considered first by the DPCCC Rules Committee.

Amendment of endorsement procedures is not essential business during this COVID-19 pandemic and should not have proceeded to votes at the April 16, 2020 DPCCC meeting. Members lacked “the ability to fully and fairly participate,” esp. through strict time limitations on debate and the opaque and biased manner through which speakers were selected. [Art. XIII, Sec. 1.] During the meeting, objections were raised that some voting members were unable to enter the Zoom forum. Although DPCCC is not a government body, most of its voting members are publicly elected. To the greatest extent practicable, the CDP and DPCCC should abide by this request by the National Freedom of Information Coalition, but have not done so:

Government bodies should not opportunistically take advantage of the public’s in-ability to attend large gatherings to make critical decisions affecting the public’s interest if those decisions can reasonably be postponed. Just as citizens are being asked to defer nonessential travel and errands, so should government agencies defer noncritical policy-making decisions until full and meaningful public involvement can be guaranteed. Where postponement is not realistic, every available measure should be taken to (1) notify the public of meetings of government bodies and how to participate in those meetings remotely, (2) use widely available technologies to maximize real-time public engagement, and (3) preserve a viewable record of proceedings that is promptly made accessible online.” <https://www.nfoic.org/blogs/144-organizations-sign-statement-government-coronavirus-emergency-transparency>

Voting at the 4/16/20 DPCCC meeting was confusing, not secure and not completely transparent. Non-members had the ability to cast votes. Petitioner's votes sometimes disappeared (he inadvertently clicked twice?). They were effectively "secret votes" in violation of DPCCC bylaws and the CDP's fundamental rules of fairness. Voting was conducted electronically, but no "snapshot" or permanent record apparently was taken. Vote positions ostensibly could be viewed a handful at a time, but it was virtually impossible to view all vote positions at once. The CDP should require that all "Zoom" votes be captured and preserved by name.

The 4/16/20 agenda strictly limited discussion and debate on controversial, major changes to DPCCC endorsement procedures. Just two speakers were permitted for and against Proposals #1 and #2 (one minute each). Just three speakers were permitted for and against Proposal #4 (one minute each). For a body with more than 50 voting members, this was far too restrictive. It seemed designed to limit open discussion and take away endorsements powers from the body. Even if proper, they belonged in Bylaws, not procedures.

The "Zoom" meeting format, coupled with pre-existing DPCCC policies stymieing participation, further limited discussion and debate. Unlike at a live meeting, one cannot distribute paper handouts before or during a "Zoom" meeting. Dissidents have no alternative communication means. The DPCCC Executive Committee harasses members for communicating via group e-mails (see June 28, 2018 challenge, esp. Exh. 4, June 2018 e-mail string in which a dissident was accused of creating a "shadow file of the DPCCC roster" to communicate "non-official business" with other members). DPCCC has kicked Petitioner and others out of the DPCCC "Public Discussion" Facebook group for no given reasons in clear violation of DPCCC's own social media policies.

DPCCC meetings have invariably ended by 10:00 p.m., yet the final vote on the #4 proposal was conducted well after 10:00 p.m. Petitioner objected. Petitioner (and apparently others) made motions to adjourn, which were completely ignored in this "Zoom" format. The Rules Committee chair repelled other post-10:00 p.m. objections on 4/16/20 with, "Let's take the damn vote so we can finish the damn meeting."

**Proposals #1 and #3 at 4/16/20 DPCCC Meeting Violate DPCCC Bylaws, Which Require the Body "by majority vote" to "select and charge" the Endorsements Committee.**

DPCCC Bylaws say (Article VII, Section 3.A.2.i): "The DPCCC may, by majority vote, select and charge a pre-endorsement subcommittee. The pre-endorsement subcommittee shall report back to the DPCCC unless charged otherwise by vote of the DPCCC." The DPCCC Executive Committee illegally attempted to circumvent this Bylaw at the 4/16/20 meeting through Proposal #1, which would remove the power to select Endorsements Committee members from the body and instead give the appointment power to the Endorsements Committee chair, while automatically giving all Executive Committee members seats on the Endorsements Committee. Part of this proposal received a favorable vote at the April meeting. The body "charge[s]" the Endorsement Committee under the Bylaw above, so the body should have approval power over Committee rules. Thus Proposal #3 is not a Committee prerogative and requires approval by the DPCCC as a body.

**Proposal #4 at 4/16/20 DPCCC Meeting Violates CDP Bylaws Art. XIII and Violates DPCCC Bylaws, Which Require Endorsement Voting to "Include All Eligible Candidates."**

The body adopted Proposal #4 (Ricklefs), which makes major changes to endorsement procedures. This first "Zoom" meeting was the first time that this proposal was presented to the body. There was no compelling reason for the Executive Committee to push through this proposal now because the first meeting when endorsements could be considered will not take place until July. It was not essential that the DPCCC adopt its endorsements meetings procedures in April. Plus, as stated above, this proposal was not first considered by the Rules Committee. (The endorsements procedures also raise Bipartisan Campaign Reform Act concerns in that Democratic clubs would be given direct and substantial influence and control over CDP endorsements.)

CDP Bylaws Article XIII require "Full Publication of Selection Procedures" for "representatives" at "all levels" of the Democratic Party. Endorsed candidates presumably are "representatives" of the Democratic Party. Proposal #4 is an incomplete and inaccurate statement of DPCCC endorsement procedures.

DPCCC Bylaws say: "Endorsement voting for a single office shall include all eligible candidates who have expressed an interest in receiving the DPCCC's endorsement," and "If the office under consideration has multiple positions (i.e. City Council), the voting shall include all eligible candidates and each voting member may only vote for as many candidates as there are open seats." [Article VII, Section 3.B.2] The #4 proposal

violates these DPCCC bylaws because it allows only discussion and voting "for the candidate in question," not "all eligible candidates" for the office. During the "question" period for Proposal #4, Petitioner directly asked how this proposed procedure would permit endorsement votes for all eligible candidates for a position (e.g., Democrats who fully participated in the endorsement process, yet did not receive the Endorsement Committee recommendation). Vice Chair Ricklefs failed to answer this question. Petitioner was unable to press for an answer because his microphone had been shut off. (See Petitioner's 9/6/18 CRC complaint, p. 2, about '18 DPCCC endorsements.) Petitioner also asked how Proposal #4 disclosed to the body what actually transpired in the Endorsements Committee, including records of Committee actions and decisions. Vice Chair Ricklefs admitted that Proposal #4 did not specifically require any reports to the body. If endorsements decisions are delegated to a committee (and five district subcommittees/"interview panels"), then there should be a full accounting to the full body of who made decisions, what those decisions were, when, and why.

Currently just one member can pull an endorsement from the consent calendar. Proposal #4, as amended, requires three members to pull an endorsement. However, the procedure does not allow for a person who pulled an endorsement to explain his/her reason in order to solicit the necessary "second" and a "third." The proposal also is problematic in that it does not expressly allow DPCCC members who are not Endorsements Committee members to observe Endorsement Committee and subcommittee ("interview panel") meetings. The non-confidential portions of Committee and "interview panel" meetings should be expressly required to comply with CDP Bylaws Article XIII and the CDP Open Meeting Rule.

**Requested Relief from CDP:** The DPCCC Executive Committee has used the coronavirus pandemic and "Zoom" meeting format to usurp control over CDP endorsements from the DPCCC as a body. The endorsement procedures proposals contravened CDP and DPCCC bylaws and norms of fundamental fairness. The votes did not need to occur in April by "Zoom." Petitioner requests that the CDP deem that all actions taken at the 4/16/20 DPCCC "Zoom" meeting be declared null and void. Petitioner requests that the CDP require all votes conducted at "Zoom" meetings be recorded and preserved. BCRA issues with Democratic clubs should be examined.

Sincerely, JASON A. BEZIS, Petitioner; Member, Contra Costa County Democratic Central Committee

**APPEAL**

**JASON A. BEZIS**

3661-B Mosswood Drive Lafayette, CA 94549-3509  
jason@bezislaw.com

October 16, 2022

Diana Love

Interim Secretary, California Democratic Party

Rusty Hicks

Chair, California Democratic Party

**VIA E-MAIL TO:** [diana@cadem.org](mailto:diana@cadem.org); [chair@cadem.org](mailto:chair@cadem.org); [unique@cadem.org](mailto:unique@cadem.org)

Re: Appeal of CDP Compliance Review Commission Decision of Oct. 5, 2022 (Concerning August 29, 2020 CDP West Contra Costa USD Endorsement Challenge); Notify of Intent to Testify

To the California Democratic Party Rules Committee (c/o Secretary Love and Chair Hicks):

This letter is to serve as Petitioner Jason A. Bezis' appeal of the CDP Compliance Review Commission (CRC) decision dated October 5, 2022 relating to the August 29, 2020 Challenge Concerning the CDP Endorsement in West Contra Costa Unified School District (WCCSD) (Carolyn Wysinger) in the November 2020 election (through Contra Costa County Democratic Central Committee). This letter is also to serve as Petitioner Bezis' Notice of Intent to Testify. Pursuant to CDP Bylaws, Article XII, Section 2(e), Mr. Bezis files this appeal with the CDP Secretary and a copy to the CDP Chair on October 16, 2022, within twelve days of the decision.

First, Mr. Bezis protests the long, unexplained delay between the date of filing of this Challenge in August 2020 and the issuance of the CRC's decision in October 2022 (more than two years later). This has been especially prejudicial to Mr. Bezis because the CRC issued five decisions affecting him on October 5, 2022, forcing Mr. Bezis to prepare appeals against all five decisions at once. Furthermore, during the two and a half year pendency of these Challenges, the Contra Costa County Democratic Central Committee has taken retaliatory action against Mr. Bezis, twice removing him from the County Committee without due process (fundamentally unfair) and in an illegal, discriminatory manner based on Bezis' race, national origin, religion and sex on April 15, 2021 and again on March 17, 2022. Mr. Bezis believes that the County Commit-



tee took these actions in order to attempt to undermine his standing in the pending challenges before the CDP. This Challenge concerns the CDP Nov. 2020 WCCSD/Carolyn Wysinger endorsement. It has merit under CDP Bylaws. **(Others were fearful of joining this Challenge due to Ms. Wysinger's bigotry and pattern/practice of bullying and harassing individuals.)**

Second, Mr. Bezis disagrees with the CRC's disposal of this Challenge based on its determination Mr. Bezis is a "vexatious litigant," which is fundamentally unfair to him. **Mr. Bezis is not a "vexatious litigant."** All of his CDP Challenges filed have been meritorious.

Mr. Bezis believes that the **CDP Compliance Review Commission enacted the "vexatious litigant" policy in or about June 2020 as a retaliatory action against Mr. Bezis** (in response to his Challenges dated January 8 and 21, 2019). The **CDP retaliated against Mr. Bezis for alleging religious discrimination** by the CDP against Mr. Bezis in scheduling January 2019 ADEM elections for a Sunday morning, which had a disparate impact on Christian Democrats like him (especially Christians of various national origins). The CDP rejected Mr. Bezis' religious discrimination Challenges dated January 8 and 21, 2019 by invoking the CDP CRC's strict seven-day statute of limitations and claiming that Mr. Bezis' Challenge was untimely because he did not file it within seven days of the Dec. 6, 2018 posting of that ADEM election. (Jan. 9, 2019 CRC Decision.) That was a ridiculously strict and draconian ruling because very few people had knowledge of the dates and locations of ADEM elections within seven days of that early date.

(A) Concerning the "May 22, 2018 – 4 Endorsement votes" Challenge, the CRC disposed of that March 22, 2018 Challenge by ruling on May 28, 2018: "The CRC rejects the timely challenge filed by Mr. Bezis as he did not exhaust all remedies prior to submitting his challenge." The County Party then did not have any formal local remedies, so the CDP asked the County Party to develop local remedies, which County Party later approved. That Challenge had merit.

(B) Concerning “August 23, 2018 – Adoption of Bylaw amendments,” the CRC found timeliness, standing and jurisdiction in favor of Mr. Bezis. On October 2, 2018, the CRC requested additional information from Mr. Bezis, who provided such information to CDP staff member Chris Myers on October 18, 2018. That Challenge had merit.

(C) Concerning “September 6, 2018 – Endorsements in the race for Pinole City Council,” the CRC disposed of that Challenge in its October 24, 2018 Decision by finding:

At the CDP’s July 2018 Executive Board meeting, the DPCCC’s Bylaws were approved by the Rules Committee, which means the endorsements made by the county committee became the endorsements of the State Party. However, the DPCCC’s Bylaws were amended at their August meeting, which would require the county committee to resubmit their Bylaws for approval by the Rules Committee. Thus in this specific challenge, the CRC lacks jurisdiction regarding local endorsement made by the DPCCC because they do not become the endorsements of the State Party, since their bylaws have not been approved by This Committee pursuant to Article VIII, Section 4.c.

Mr. Bezis reasonably assumed that the challenged endorsements were CDP endorsements. See attached **Exhibit A**, the CDP slate card for Pinole for the November 2018 election. Note the “Paid for by the California Democratic Party” disclaimer at the bottom of the CDP slate card with the Pinole endorsements. To Mr. Bezis and to the wider world, therefore, it appeared that the City Council candidates had CDP endorsements (raising BCRA and FPPC compliance issues).

(D) Concerning “November 22, 2018 – Open meeting policy and insufficient notice,” the CRC found timeliness, standing, and jurisdiction, according to the January 25, 2019 Decision:

[T]he DPCCC should review the role of parliamentarian as RRONR 11th ed. Section 47 (page 467) provides clear guidance that the parliamentarian should not “make motions, participate in debate, or vote on any question except in the case of a ballot vote. And unlike the chair, who may temporarily “step down” to participate, the parliamentarian may not do so. The CRC also found, “The CRC does encourage the DPCCC to take more care in listing their agenda items so as to not be so specific as to preclude a broader set of issues from being discussed.” Therefore, it was a meritorious Challenge.

(E) Concerning “January 24, 2019 - Adoption of Bylaw amendments,” the CRC found timeliness, standing, and jurisdiction, according to the April 5, 2019 Decision. The CRC found, “[T]he CRC suggests referring this allegation to the Organizational Development Committee for review.” The CRC also found,

The DPCCC bylaws are not clear enough for the CRC to make a determination as to the meaning of this DPCCC bylaws provision, nor is it the position of the CRC to interpret the DPCCC bylaws on DPCCC’s behalf. The CRC does suggest that the DPCCC clarify this section of its bylaws to be better understood by its members. The Order stated:

The CRC will forward the suggestion to review the CYD charter made by Mr. Bezis to the Organizational Development Committee. ... The CRC suggests that the DPCCC revise its bylaws to be better understood by its members with regards to Chartered Organizations and DPCCC Membership. Therefore, it was a meritorious Challenge.

(F) Concerning “January 23, 2020 - Adoption of Bylaw amendments,” the CRC found timeliness but split on a 4-2 vote on jurisdiction, according to the March 31, 2020 Decision:

[T]he CRC decided on a vote of 4 to 2 (Mr. Allison and Ms. Fernandez dissenting) that without a stronger connection to a violation of the CDP bylaws, such theoretical impacts on [sic] too tenuous to find jurisdiction. The CRC split vote indicates that this was not a frivolous Challenge. Therefore, the Challenge had merit. Mr. Bezis also notes that this was a “facial” Challenge to County Party By-laws amendments and Disciplinary Procedures that were used against Mr. Bezis to exclude him from the Democratic Party after trials held on April 15, 2021 and March 17, 2022. Based on the CDP’s strict, draconian seven-day statutes of limitations for challenges, Mr. Bezis was forced to make this facial challenge so that his April 2021 “as-applied” Challenges could be deemed timely. (The CDP CRC has in the past rejected “as-applied” Challenges as untimely because Petitioners failed to make “facial” challenges to policies within seven days after their adoption.)

(G) Concerning “February 27, 2020 – Endorsement votes,” the CRC found timeliness, standing, and jurisdiction, according to the May 6, 2020 Decision. The CRC ruled:

As to Mr. Bezis's claim that the meeting site was prejudicial because it took place at the IBEW local, which supported Measure J, the CRC finds Mr. Bezis' argument unpersuasive. Many Central Committees rely on our union partners for office and meeting room space which may cause an appearance of a conflict but does not make the endorsement process a conflict of interest. ... As to Mr. Bezis's claim that the CDP's "fundamental rule of fairness" was violated as the opposing campaign to Measure J was not contacted, the CRC finds this argument to be unpersuasive based on the evidence submitted.

Therefore, Mr. Bezis' Challenge was meritorious.

In sum, the CDP has created a "vexatious litigant" policy and unfairly and unjustly applied it to Mr. Bezis. The **CDP is retaliating against Mr. Bezis** for his very serious allegations of discrimination by the Democratic Party against him based upon race, national origin, sex and/or religion. Chair Rusty Hicks and his appointees are intentionally and deliberately singling out Mr. Bezis for retaliation and punishment, while refusing to address discrimination against Mr. Bezis.

The CDP's unjust imposition of the "vexatious litigant" policy in this case contributed to the **overt, blatant race, national origin, and sex discrimination and bigotry** that Mr. Bezis experienced in the trials against him in the Contra Costa County Central Committee on April 15, 2021 and March 17, 2022. Several voting members at the April 15, 2021 trial openly called for Mr. Bezis to be ousted from the Democratic Party in direct **retaliation** for his Challenges filed with the CDP. Mr. Bezis again demands investigations and remedial actions by the Democratic National Committee and CDP for the **discriminatory** and **retaliatory** actions taken against him.

**The CDP, through its CRC, has created a climate of fear** in which Democrats are afraid to file Challenges with the CDP about alleged wrongdoing in the CDP and in Democratic units across California because the **CDP ignores those pleas and retaliates against Challengers** like him.

Petitioner Bezis requests that the Rules Committee reverse the CRC and resolve the underlying Challenge on its merits. Mr. Bezis hereby provides notice of his intent to testify.

Sincerely, /s/ Jason A. Bezis, Petitioner; member, Democratic State Central Committee (AD 16)

## Exhibit A

## Exhibit A

# California Democratic Party

## OFFICIAL ENDORSEMENTS



**Gavin Newsom**

GOVERNOR



**Tony Thurmond**

SUPT. OF PUBLIC INSTRUCTION

Governor .....	<b>Gavin Newsom</b>
Secretary of State .....	<b>Alex Padilla</b>
Controller .....	<b>Betty T. Yee</b>
Treasurer .....	<b>Fiona Ma</b>
Attorney General .....	<b>Xavier Becerra</b>
Insurance Commissioner .....	<b>Ricardo Lara</b>
U.S. Senator .....	<b>Kevin de León</b>
Supt. of Public Instruction .....	<b>Tony Thurmond</b>

**1&2 YES**  
**4 YES**  
**5 NO**

**6 NO**  
**7 YES**  
**8 YES**

**10 YES**  
**11 NO**  
**12 YES**

The CDP has no official position on Lt. Gov. or Prop 3. Prop 9 has been removed from the ballot.

### MEASURES

Cannabis  
**R**  
**YES**

### CANDIDATES

Board of Equalization, District 2 ..... **Malia Cohen**  
U.S. Rep, 5th District.....**Mike Thompson**  
CCC Schools Superintendent.....**Lynn Mackey**  
CCC Board of Education, Area 2 ..... **Sarah G. Butler**  
West County School Board ..... **Madeline Kronenberg**  
..... **Consuelo Lara**  
..... **Carlos Taboada**  
Pinole City Council ..... **Vince Salimi**  
..... **Anthony L. Tave**

2019/10/06

**VOTE! TUESDAY, NOVEMBER 6**

Questions? 1-877-321-VOTE (8683)

Paid for by the California Democratic Party. Not authorized by Tony Thurmond or a committee controlled by Tony Thurmond.

# **CRC DECISION**

## MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: October 5, 2022

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

---

### **INTRODUCTION:**

On August 22, 2020 the Democratic Party of Contra Costa (DPCCC) held a special meeting to consider endorsements for the 2020 November election, with the notified time of 9:00am - 1:00pm which adjourned sometime after 6:30pm. The challenger alleges that the body voted to endorse a candidate for the West Contra Costa Unified School District (WCCUSD) Area 5 race. The results yielded no consensus. After moving forward, the presiding Chair, Chuck Carpenter, recognized a request for a “revote” of the Area 5 endorsement. No request for debate was made, but a revote was taken yielding a candidate exceeding the 60 percent threshold. On August 29, 2020 Mr. Jason Bezis filed a “statement of charges” about the matter to the DPCCC’s complaint & Disciplinary Review Committee (CDRC).

On August 29, 2020, Mr. Bezis filed a challenge to the CRC relating to the DPCCC endorsement process on behalf of himself and other adversely affected members. Mr. Bezis alleges the DPCCC:

- Violated CDP Bylaws Article VIII, Section 4(b) contending the revote of the Area 5 endorsement was not in accordance with the County Committee’s duly adopted Bylaws
- Violated Article VIII, Section 4(c) being that the special endorsement meeting was not in accordance with CDP’s fundamental rules of fairness.
- Violated DPCCC Bylaws Article IV, Section 4(a) by neglecting Robert’s Rules of Order on “Time Limits on Efforts to Challenge, Retake, or Change a Vote.” As the meeting started off with 91 participants and at the time of the revote, there were only 83 participants remaining.

### **CRC PROCEDURAL RULES SECTION 5(d): POWERS**

Per CRC Procedures on Vexatious litigants, the CRC has the power to:

“Dismiss or deny without requesting responses, any filing that they have determined: a. that even if all of the alleged facts were true the challenge would still be denied or dismissed, b. is frivolous or without merit, c. is primarily meant to vex, annoy, or harass the respondent, and/or, d. manifests an absence of: (1) good faith in bringing, or, (2) a substantive argument underlying, the challenge which makes requiring a response and hearing detrimental to the best interests of the Democratic Party as a whole; provided, however, that if any member of CRC requests the matter be heard, responses and a hearing will be scheduled.”



“Upon motion of an interested party supported by a showing that the challenger has a history of filing frivolous or vexatious claims, dismiss, without seeking testimony from the challenged parties, any challenge determined not to have a likelihood of success, filed by a proponent who has failed to prevail, in the determination of the Co-Chairs, or the CRC, in three (3) or more matters filed by the proponent, in the previous four (4) years,”

#### **FINDINGS:**

In this case, the CRC finds that Mr. Bezis has exhibited a pattern of being a vexatious litigant. Previous challenges submitted by Mr. Bezis against the DPCCC:

- May 22, 2018 – 4 Endorsement votes
- August 23, 2018 – Adoption of Bylaw amendments
- September 6, 2018 – Endorsements in the race for Pinole City Council
- November 22, 2018 – Open meeting policy and insufficient notice
- January 24, 2019 - Adoption of Bylaw amendments
- January 23, 2020 - Adoption of Bylaw amendments
- February 27, 2020 – Endorsement votes

#### **DECISIONS:**

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

1. Based on the information presented, the CRC declines to hear this case and has determined that Mr. Bezis is a vexatious litigant per CRC Procedural Rules 5(d).

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 the CDP Rules Committee.

Please note that per CDP Bylaws, Article XII, Section 6b, the filing of an appeal shall not stay any decision of the CRC. Parties may additionally respond in person, 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 6-0 vote of the members of the CRC,

Tim Allison, Co-Chair, Credentials Committee

Kathy Bowler, Co-Lead Chair, Rules Committee

Nicole Fernandez, Co-Chair, Rules Committee

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

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

Keith Umemoto, Co-Chair, Credentials Committee

# **ORIGINAL COMPLAINT**

**LAW OFFICES OF JASON A. BEZIS**  
**3661-B Mosswood Drive Lafayette, CA 94549-3509 (925) 962-9643 jbezis@yahoo.com**

August 29, 2020

Compliance Review Commission of California Democratic Party  
c/o Jenny Bach ([secretary@cadem.org](mailto:secretary@cadem.org)) c/o Rusty Hicks ([rusty@cadem.org](mailto:rusty@cadem.org))  
Secretary, California Democratic Party Chair, California Democratic Party  
cc: CDP staff members Kathy Bowler ([kathy@cadem.org](mailto:kathy@cadem.org)) & Unique Wilson ([unique@cadem.org](mailto:unique@cadem.org));  
Democratic Party of Contra Costa County Central Committee Chair (mlalegria@comcast.net)

Re: Challenge Concerning Purported "Revote" on West Contra Costa Unified School District (WCCUSD) Area 5 Endorsement at Democratic Party of Contra Costa County Central Committee (DPCCC) August 22, 2020 Meeting In Violation of CDP Bylaws & DPCCC Bylaws

To the California Democratic Party Compliance Review Commission (c/o Secy. Bach & Chair Hicks):

Petitioner Jason Bezis (AD16) is a member of the Democratic Party of Contra Costa County Central Committee ("DPCCC"). He submits this challenge on behalf of himself and other members adversely affected by DPCCC actions. This challenge concerns an ostensible "revote" on the West Contra Costa Unified School District (hereinafter "WCCUSD") Area 5 endorsement for the CDP November 2020 slate card at August 22, 2020 DPCCC special meeting in violation of CDP and DPCCC Bylaws (see DPCCC Bylaws: <https://contracostadems.com/documents-forms/>).

CDP Bylaws state, "In order for the endorsement of the County Central Committees to become the official endorsements of the California Democratic Party, the following must be met: ... All endorsements shall be made in accordance with the County Committee's duly adopted By-Laws provisions." [Article VIII, Section 4(c).] CDP bylaws also state, "The endorsing provisions of the relevant County Central Committee by-laws have been reviewed and approved by This Committee as consistent with its own By-Laws and with the fundamental rules of fairness to which the California Democratic Party is committed." [Article VIII, Section 4(b).] Petitioner contends that the "revote" on the WCCUSD Area 5 endorsement was not in accordance with the County Committee's duly adopted By-Laws or with the CDP's fundamental rules of fairness.

This challenge is submitted pursuant to CDP Bylaws, Article XII. In compliance with Article XII, Section 4, Petitioner has filed this written challenge “no later than seven (7) calendar days after the alleged violation occurred” and originally served it upon the required parties on August 29, 2020. The State Party Compliance Review Commission has jurisdiction over this complaint because it concerns endorsements under Article VIII of the CDP Bylaws [CDP Bylaws, Article XII, Section 2(a)] and Article XIII violations.

Petitioner has exhausted local remedies. Petitioner today has filed with the DPCCC a “Statement of Charges” about this matter to the DPCCC’s Complaint & Disciplinary Review Committee (CDRC). Petitioner is informed and believes that this complaint will be the first ever reviewed by the DPCCC CDRC. Due to the short period of time before the DPCCC prints its local endorsements on the CDP slate card, Petitioner requests that the CDP restrain the DPCCC from printing the WCCUSD Area 5 endorsement on CDP slate cards until the CDP Compliance Review Commission and CDP Rules Committee complete their reviews of this controversy.

**DPCCC “Revote” on WCCUSD Area 5 Endorsement at End of August 22, 2020 DPCCC Special Meeting Is Invalid, Null and Void As a CDP Endorsement Due to Violation of DPCCC Bylaws Article V, Section 4 (Contravention of “Robert’s Rules of Order, 11<sup>th</sup> Edition,” pp. 408-09).**

This challenge concerns the purported “revote” for the WCCUSD Area 5 race at the end of the August 22, 2020 DPCCC special meeting.

The DPCCC held a special meeting on Saturday, August 22, 2020 to consider endorsements for the November 2020 election. The meeting agenda stated at its top “9:00 AM - 1:00 PM.”

The meeting began at 9:00 AM and adjourned after 6:30 PM. With the exception of two breaks of approximately ten minutes each, the meeting was continuous during those nine-and-one-half hours. The relevant events occurred after 6:00 PM, during the meeting’s tenth hour.

Endorsements Committee Chair Chuck Carpenter was the presiding officer of the endorsements portion of the meeting,

At around 6:00 PM, the body considered the West Contra Costa Unified School District (hereinafter “WCCUSD”) Area 5 endorsement matter. The body heard from the candidates and speakers for and against the three qualified candidates. At or about 6:09 PM, the body began voting on the WCCUSD Area 5 endorsement. During the middle of the “Zoom” votes on WCCUSD Area 5, questions were raised about the eligibility of various individuals (e.g., Joey Smith) to cast ballots with green checkmarks. Both Secretary John Hall and acting Parliamentarian (and CDP Regional Director) Lynette Henley addressed these concerns and jointly agreed to the vote totals. The voting for the WCCUSD Area 5 endorsement concluded at or about 6:13 PM. The following vote totals were announced for the WCCUSD Area 5 endorsement:

Panas	6
Reckler	10
Wysinger	22
No Endorsement	0

The meeting had 91 “participants” at the time of this original WCCUSD Area 5 endorsement vote, according to two Zoom screenshots taken at 6:09 PM and 6:13 PM (attached Exhibits A and B), including WCCUSD Area 5 candidate Leslie Reckler (Exhibit A) and incumbent WCCUSD trustee Tom Panas (Exhibit B). After announcement of the WCCUSD Area 5 endorsement vote at or about 6:13 PM, several attendees left the meeting, including Mr. Panas and his supporters.

The body then moved onto the Kensington Police Protection and Community Services District endorsement matter, hearing presentations and debate. Voting on the Kensington matter occurred at or about 6:27 PM through 6:30 PM.

At or about 6:31 PM, the nine and half hour meeting was poised to conclude, but Chair Chuck Carpenter recognized a request for a “revote” of the WCCUSD Area 5 endorsement. Chair Carpenter stated that Robyn Kuslits “asked for a recount.” Chair Carpenter did not seek debate.

Chair Carpenter did not ask the body to permit a “revote” or “recount” of the WCCUSD Area 5 endorsement. Chair Carpenter bluntly decreed: “All we need to do is revote.”

The meeting had 83 “participants” at the time of the “revote” of the WCCUSD Area 5 endorsement, according to a Zoom screenshot taken at 6:33 PM, according to Exhibit C, a Zoom screenshot taken at 6:33 PM. The following totals were announced for the WCCUSD Area 5 endorsement “revote”:

Panas	3
Reckler	10
Wysinger	22
No Endorsement	1

Following this vote, Chair Carpenter announced that Wysinger had exceeded 60 percent of the vote and therefore was the DPCCC’s and CDP’s endorsed candidate. WCCUSD Area 5 candidate Tom Panas was absent from the meeting during this “revote,” according to Exhibit C. Conducting an illegal “revote” 20 minutes after a qualified candidate left the meeting, without proper notice to that candidate, violates the CDP’s Bylaws and its rules of fundamental fairness.

DPCCC Bylaws, Article IV, Section 4.A, states, “The business of the DPCCC shall be governed by Robert’s Rules of Order latest edition, except as otherwise provided for herein, applicable rules or Bylaws of the Democratic National Committee or the California Democratic Party, or the California Elections Code.”

Petitioner asserts that the WCCUSD Area 5 “revote” at the August 22, 2020 DPCCC Special Meeting is invalid, null and void, according to “Robert’s Rules of Order, Newly Revised, 11th edition,” which states:

TIME LIMITS ON EFFORTS TO CHALLENGE, RETAKE, OR CHANGE A VOTE. After the result of a vote has been announced, members can still propose or demand certain actions that may change the result. A member may raise a point of order regarding the conduct of the vote, demand a division of the assembly, move to retake the vote under another method, move for a recapitulation of a roll-call vote, or request unanimous consent to change his vote. With the exception of a point of order raised against a breach of a continuing nature (p. 251, ll. 3-23), **if any of these**

actions is to apply to a vote after the result has been announced, it must be taken immediately after the chair's announcement, before any debate or business has intervened. For example, it is too late to take these actions after any member has been recognized and begun to speak in debate or to give a report or presentation, or after the chair has stated the question on a subsequently made motion, or after the chair has begun to take the vote and any member has voted on another motion that was pending. (pp. 408-09, emphasis added.)

Petitioner declares that the WCCUSD Area 5 "revote" at 6:33 PM is invalid under the "TIME LIMITS ON EFFORTS TO CHALLENGE, RETAKE, OR CHANGE A VOTE" section of Robert's Rules (11th edition, pp. 408-09) and therefore under DPCCC Bylaws Article IV, Section 4 because some twenty minutes elapsed since the chair's announcement of the original vote on WCCUSD Area 5 at or about 6:13 PM. The result had been announced at or about 6:13 PM. Debate, business, and votes concerning the Kensington race intervened between the 6:13 PM original vote for WCCUSD Area 5 and the 6:33 PM "revote" concerning WCCUSD Area 5.

Petitioner contends that since the 6:33 PM "revote" was not valid, the original vote on WCCUSD Area 5 beginning at or about 6:09 PM through 6:13 PM stands. The DPCCC endorsement in WCCUSD Area 5 therefore is "*no consensus*," based upon the original vote.

**Requested Relief from CDP:** DPCCC plans to print the outcome of the WCCUSD Area 5 endorsement "revote" on the CDP slate card, listing candidate Wysinger as the CDP-endorsed candidate. **The CDP should immediately restrain the DPCCC from printing Wysinger as the CDP endorsed candidate on CDP slate cards.** The CDP should condition its release of CDP slate cards to the DPCCC with the proviso that the DPCCC not imprint any endorsement concerning WCCUSD Area 5 unless and until the CDP Compliance Review Commission and CDP Rules Committees complete their investigations and recommendations for any remedial actions.

Sincerely,  
/s/ JASON A. BEZIS  
Petitioner; Member, Contra Costa County Democratic Central Committee



**APPEAL**

**JASON A. BEZIS**  
3661-B Mosswood Drive  
Lafayette, CA 94549-3509  
jason@bezislaw.com

October 16, 2022

Diana Love  
Interim Secretary, California Democratic Party  
Rusty Hicks  
Chair, California Democratic Party  
**VIA E-MAIL TO:** [diana@cadem.org](mailto:diana@cadem.org); [chair@cadem.org](mailto:chair@cadem.org); [unique@cadem.org](mailto:unique@cadem.org)

Re: Appeal of CDP Compliance Review Commission Decision of Oct. 5, 2022 (Concerning April 8, 2021 Challenge); Notify of Intent to Testify

To the California Democratic Party Rules Committee (c/o Secretary Love and Chair Hicks):

This letter is to serve as Petitioner Jason A. Bezis' appeal of the CDP Compliance Review Commission (CRC) decision dated October 5, 2022 relating to the April 8, 2021 Challenge Concerning the Contra Costa County Democratic Central Committee. This letter is also to serve as Petitioner Bezis' Notice of Intent to Testify. Pursuant to CDP Bylaws, Article XII, Section 2(e), Petitioner files this appeal with the CDP Secretary and a copy to the CDP Chair on October 16, 2022, within twelve days of the decision.

First, Petitioner Bezis protests the long, unexplained delay between the date of filing of this Challenge complaint in April 2021 and the issuance of the CRC's decision in October 2022 (a year and a half later). This has been especially prejudicial to Petitioner Bezis because the CRC issued five decisions affecting him on October 5, 2022, forcing Mr. Bezis to prepare appeals against all five decisions at once. Furthermore, during the two and a half year pendency of these Challenges, the Contra Costa County Democratic Central Committee has taken retaliatory action against Petitioner Bezis, twice removing him from the County Committee without due process and in an illegal, discriminatory manner based on Mr. Bezis' race, national origin, religion and sex on April 15, 2021 and again on March 17, 2022. Mr. Bezis believes that the

County Committee took these actions in order to attempt to undermine Petitioner Bezis' standing in the pending challenges before the California Democratic Party.

Second, Petitioner Bezis disagrees with the CRC's disposal of this Challenge on this basis: "The challenge submitted by Ms. Clark and Mr. Bezis failed to provide any basis for jurisdiction under the CDP Bylaws" (p. 2) and "Based on the information presented, the CRC finds no jurisdiction under the CDP Bylaws and denies the challenge." (p. 3.) Petitioners' Challenge dated April 8, 2021 specifically stated in its "Jurisdiction" section, "The State Party Compliance Review Commission has jurisdiction over this complaint because it concerns CDP Bylaws, Article XIII, Section 1 (Public Meetings) and the CDP Open Meeting Rule." The CRC Decision dated October 5, 2022 does not directly rebut or refute this assertion of "Jurisdiction."

The entire disciplinary vendetta against Mr. Bezis, which culminated in closed, secretive sessions of the entire Contra Costa County Democratic Central Committee on April 15, 2021 and March 17, 2022, has been entirely lacking in due process, more akin to a "kangaroo court" than a fair disciplinary proceeding. Violations of the CDP Open Meeting Rule and "fundamental fairness" were numerous. The two individuals who brought the April 15, 2021 charges against Mr. Bezis (including current County Committee Parliamentarian Robyn Kuslits) were the same two individuals who nominated Carolyn Wysinger for California Democratic Party endorsement in West Contra Costa Unified School District, Area 5 on August 22, 2020. (Mr. Bezis challenged irregularities in that CDP endorsement vote before the CDP; please see the separate "vexatious litigant" appeal filed today.) Those two individuals originally brought a disciplinary complaint against State Senator Steve Glazer. Working **secretly and illegally** with County Party leadership and Disciplinary Committee Chair Courtney O'Brien in closed sessions of the County Party Executive Committee in early 2021, they re-wrote and perfected their complaint (**with the**

**County Party administration's and Disciplinary Chair O'Brien's *ex parte*, extra-legal advice) to target Mr. Bezis for removal from the Democratic Party.**

Mr. Bezis in the April 15, 2021 trial was accused of working against the Democratic Party-endorsed candidate in the November 2020 election in a San Francisco Bay Area Rapid Transit District race. That was the extent of the charges. The only evidence that was offered against Mr. Bezis was a State Fair Political Practices Commission (FPPC) complaint that Mr. Bezis filed on behalf of a client and an e-mail that Mr. Bezis allegedly sent to *San Francisco Chronicle* reporter Rachel Swan on behalf of that client. The FPPC complaint was not Mr. Bezis' complaint; the FPPC complaint was his client's. Note well that the original disciplinary complaint against Glazer/Bezis in October 2020 pre-dated the FPPC complaint; **complainants Kuslits et al. and County Party leaders were actively searching for pretexts to remove Mr. Bezis from the Democratic Party before the facts at issue in the April 15, 2021 trial even arose!**

**Overt and blatant racial, national origin, and sex discrimination**, most directly articulated by Carolyn Wysinger, occurred against Mr. Bezis in the April 15, 2021 closed-door trial. Mr. Bezis insisted that it be an open, public trial in order to protect himself against such unfair treatment, but the **"lynch mob"** body voted his request down and neither the CDP nor the County Committee heard his pleas. The trial occurred over the Zoom platform. Chair Katie Ricklefs and Disciplinary Committee Chair Courtney O'Brien **silenced Mr. Bezis' microphone and gave him no opportunity to object to procedural irregularities and illegal conduct during the trial**, including Ms. Wysinger's unfounded, irrelevant and extremely bigoted attacks. Jeff Koertzen, who was not even a voting member, was admitted to the closed session by Chair Katie Ricklefs and Courtney O'Brien, under the guise of assisting with rules interpretation. One would have expected that Mr. Koertzen's role would be neutral and unbiased, yet Ms.

Wysinger credited Mr. Koertzen by name during her discriminatory tirade during “deliberations” with inspiring her to make her bigoted statements. **Mr. Koertzen, Ms. Kuslits, and Ms. Wysinger next retaliated against Mr. Bezis** by filing new charges against him in June 2021, leading to his second closed-door trial on March 17, 2022. Mr. Bezis asserts that the Contra Costa County Democratic Central Committee, its Chair Katie Ricklefs, its Disciplinary Committee Chair Courtney O’Brien, Ms. Wysinger, and Mr. Koertzen **retaliated against him based on his reporting of the race, national origin, and sex discrimination against him at the April 15, 2021 trial to CDP** and other investigatory authorities. Committee Chair Courtney O’Brien should’ve intervened at the April 15, 2021 trial when Ms. Wysinger engaged in overt racial, national origin and sex **discrimination and bigotry against Mr. Bezis**. Moreover, Disciplinary Committee Chair O’Brien gave an endorsement speech in August 2022 for Ms. Wysinger to receive the Democratic Party endorsement for an El Cerrito City Council race. (Chair O’Brien was biased against Mr. Bezis in the April 15, 2021 and March 17, 2022 trials and chooses to be willfully blind to Ms. Wysinger’s despicable bigotry.) County Party Chair Ricklefs and Disciplinary Committee Chair O’Brien further demonstrated their bias and prejudice against Mr. Bezis by permitting their alternate members to attend the April 15, 2021 trial and cast “guilty” votes against Mr. Bezis.

The Charter of the Democratic Party of the United States asserts in Article Eight (Full Participation), Section 2, “Discrimination in the conduct of Democratic Party affairs on the basis of sex, race, age (if of voting age), color, creed, national origin, religion, economic status, sexual orientation, gender identity, ethnic identity or disability is prohibited, to the end that the Democratic Party at all levels be an open party.” (Emphasis added.) Mr. Bezis demands that the Democratic National Committee and the CDP investigate the race, national origin, religion, and sex discrimination that occurred against him, relating to the Contra Costa County Democratic

Central Committee votes to remove him from membership on April 15, 2021 and March 17, 2022, including the failures by CDP Chair Rusty Hicks and his employees, agents and appointees (including but not limited to members of the CDP Compliance Review Commission and CDP staff members) to undertake all appropriate investigatory and remedial action.

Mr. Bezis believes that County Party Chair Katie Ricklefs and the CDP also are discriminating against him in retaliation for the religious discrimination complaint that Mr. Bezis filed against the ADEM election in AD 16 in January 2019. He filed a Challenge in or about January 2019 with the CDP alleging religious discrimination because the ADEM election was scheduled for a Sunday morning, simultaneous with the main weekly religious services in his own ethnic Christian church, and therefore had a disparate impact on Christians. Katie Ricklefs was “convener” of that AD16 ADEM election in January 2019 (responsible for selection of date, time, and location) that was the main target of Mr. Bezis’ CDP Challenge on the basis of religious discrimination. **County Party Chair Ricklefs and the CDP continue to retaliate against Mr. Bezis for filing that January 2019 religious discrimination complaint against them.**

Mr. Bezis requests that the Rules Committee reverse the CRC, find jurisdiction, and resolve this Challenge on its merits. Petitioner Bezis hereby provides notice of his intent to testify. The Democratic National Committee and the CDP, including members of the Rules Committee and CDP staff members to the Rules Committee, have **duties to investigate the horrific race, national origin, religion and sex discrimination that Mr. Bezis has experienced at the hands of the Democratic Party**, including by its officers, employees and agents, including but not limited to their complicity in such discrimination, along with their **failure to investigate and take remedial action against bigotry based on race, national origin, religion and sex.**

Respectfully submitted,  
/s/ Jason A. Bezis, Petitioner; member, Democratic State Central Committee (AD 16)

# **CRC DECISION**

## MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: October 5, 2022

RE: **COMPLIANCE REVIEW COMMISSION (CRC) DECISION RELATING TO A  
CHALLENGE FILED BY DIDDO CLARK AND JASON BEZIS**

---

### **INTRODUCTION:**

On April 8, 2021 Diddo Clark and Jason Bezis filed a challenge relating to the actions of the Contra Costa County Democratic Central Committee (DPCCC). The challenge alleges that the DPCCC violated CDP Open Meeting Rule and CDP Bylaws, Article XIII, Section 1, claiming that the DPCCC Executive Committee held a series of improper “executive sessions” (closed sessions) in recent months, including at its February 4, 2021, March 4, 2021, and April 1, 2021 meetings. The challengers claim that the DPCCC full body was scheduled to hear a disciplinary “trial” against Challenger Jason Bezis in a closed session at its April 15, 2021 meeting, making it the only closed session that the County Central Committee has held as a full body in at least a quarter century. The challengers believe that the disciplinary proceedings generally should be public under U.S. Constitution and CA Law. Challengers believe that the closed sessions on February 4 and March 4, 2021 were improper disciplinary proceedings under the DPCCC Complaint and Due Process procedures which require that the respondent be given “Notice of complaint and the right to respond” after the committee acts and before the Executive Committee considers the matter. Under Government Code Section 54960.1 regarding actions taken improperly by CA public entities in closed sessions, The Petitioners request that the actions taken by the DPCCC Executive Committee and the DPCCC full body in an improper closed session in February, March and April of 2021 be declared null and void. Furthermore, the challengers call for the removal of all DPCCC- appointed members from the DSCC who knowingly participated in the closed sessions of DPCCC meetings in February, March and April 2021 that lacked proper justification for closure.

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

CDP Staff received the following documents associated with the challenge:

1. Challenge submitted by Ms. Clark and Mr. Bezis on April 8, 2021.
2. Responses opposing the challenge were submitted by the DPCCC Chair Katie Ricklef and DPCCC members, Peter Marshall Lewis, Sue Hamill and Jeff Koertzen.
3. There were no Responses supporting the challenge submitted.



**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 January 2021, unless otherwise indicated.)

The challenge filed by Ms. Clark and Mr. Bezis was submitted on April 8, 2021. The submission was within 7 days of the DPCC meeting on April 1, 2021, thus the challenge was timely.

**STANDING:**

According to Article XII, Section 3:

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

Ms. Clark and Mr. Bezis are members of the DPCCC, thus the CRC finds that they both have standing as they were adversely affected.

**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 challenge submitted by Ms. Clark and Mr. Bezis failed to provide any basis for jurisdiction under the CDP Bylaws.

## **FINDING, ORDER AND COMMENTS:**

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

1. Based on the information presented, the CRC finds no jurisdiction under the CDP Bylaws and denies the challenge.

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.

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

Tim Allison, Co-Chair, Credentials Committee

Kathy Bowler, Co-Lead Chair, Rules Committee

Nicole Fernandez, Co-Chair, Rules Committee

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

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

Keith Umemoto, Co-Chair, Credentials Committee

# **ORIGINAL COMPLAINT**

**LAW OFFICES OF JASON A. BEZIS**

**3661-B Mosswood Drive Lafayette, CA 94549-3509 (925) 708-7073 [jason@bezislaw.com](mailto:jason@bezislaw.com)**

April 8, 2021

Compliance Review Commission of California Democratic Party

c/o Jenny Bach ([secretary@cadem.org](mailto:secretary@cadem.org))

c/o Rusty Hicks ([rusty@cadem.org](mailto:rusty@cadem.org))

Secretary, California Democratic Party

Chair, California Democratic Party

cc: CDP staff members Yvette Martinez ([yvette@cadem.org](mailto:yvette@cadem.org)) & Unique Wilson ([unique@cadem.org](mailto:unique@cadem.org));

Democratic Party of Contra Costa County Central Committee Chair ([ktricklefs@gmail.com](mailto:ktricklefs@gmail.com))

Re: Challenge Concerning Closed Meetings by Contra Costa County Democratic Central Committee (DPCCC) In Violation of CDP Open Meeting Rule

To the California Democratic Party Compliance Review Commission (c/o Secy. Bach & Chair Hicks):

Petitioners Diddo Clark (AD16) and Jason Bezis (AD16) are members of the Contra Costa County Democratic Central Committee ("DPCCC"). They submit this challenge on behalf of themselves and other members adversely affected by DPCCC actions.

In violation of the CDP Open Meeting Rule and CDP Bylaws, Article XIII, Section 1, the DPCCC Executive Committee has held a series of improper "executive sessions" (closed sessions) in recent months, including at its February 4, 2021, March 4, 2021, and April 1, 2021 meetings. The DPCCC full body is scheduled to hear a disciplinary "trial" against Petitioner Jason Bezis in closed session at its April 15, 2021 meeting. If allowed to proceed, this would be the only closed session that this County Central Committee has held as a full body in at least a quarter century.

This challenge is submitted pursuant to CDP Bylaws, Article XII. In compliance with Article XII, Section 4, Petitioners have filed this written challenge "no later than seven (7) calendar days after the alleged violation occurred" and originally served it upon the required parties on April 8, 2021. (The most recent violations occurred on April 1, 2021 and April 8, 2021.)

**Jurisdiction**

The State Party Compliance Review Commission has jurisdiction over this complaint because it concerns CDP Bylaws, Article XIII, Section 1 (Public Meetings) and the CDP Open Meeting Rule. (See CDP Open Meeting Rule at: <https://cademorg-media.s3.amazonaws.com/wp-content/uploads/2020/06/03130904/CDP-Cmte-Rules-Statement-OpenMeeting-18-07-14.pdf>)

Petitioners have no viable local remedies. The DPCCC Complaint & Due Process Policy & Procedure gives the Executive Committee final say on Procedural Complaints, which cannot be appealed to the Central Committee and a gatekeeper function for Disciplinary Complaints. DPCCC's Executive Committee itself has abused its discretion and its authority under CDP/DPCCC rules.

### **CDP Open Meeting Rule**

CDP Bylaws, Article XIII, Section 1 (Public Meetings) states in part, "All public meetings at all levels of the Democratic Party shall be open to all members of the Democratic Party ..." The CDP Open Meeting Rule was re-adopted by the CDP Rules Committee in July 2018. It states, "All meetings of the Democratic Party, at all levels, should be considered public meetings, with very few exceptions." DPCCC is a level of the Democratic Party. It is subject to the CDP Open Meeting Rule.

The CDP Open Meeting Rule provides requirements for closed sessions: (1) "Even where a closed session is required, the general rule that meetings should be conducted as much in public as possible means that the portion of the meeting conducted in closed session should be as limited as possible," (2) "In particular, wherever possible, all deliberations should be conducted in public," (3) "In any event, all votes or other final determinations must take place in a public meeting," (4) "Where a portion of the meeting will take place in closed session, there must be a vote in the open part of the meeting to go into closed session," (5) "There should be a self-contained and understandable explanation in the open part of the meeting of the reason for the closed session, why customary efforts to protect confidentiality other than going into closed session are not sufficient, and what portion of the meeting will be conducted in closed session," (6) "Whenever possible, a brief summary of what occurred in closed session should also be given in the open part of the meeting," and (7) "The explanation of the reason for the closed session and the summary report of what occurred in closed session should be made part of the minutes of the meeting."

The closed sessions at the DPCCC February, March, and April 2021 Executive Committee meetings violated these requirements of the CDP Open Meeting Rule. At the February and March meeting, the Executive Committee never voted to go into closed session. Votes did not occur in open session. No summary reports of what occurred in closed session were made part of the meeting minutes. The entire April 1, 2021 meeting was completely closed (with no open portion).

The agenda for the February 4, 2021 Executive Committee meeting states, “9. Closed Session: CDRC Complaints (complaint 1, complaint 2, Due Process Procedure, Courtney’s cheat sheet).” The agenda for the March 4, 2021 Executive Committee meeting states, “8. Closed Session (begin by 8pm): a. Approve closed-session minutes of Feb 4, 2021 Exec Comm meeting. b. CDRC Complaints (complaint 1, complaint 2, Due Process Procedure, Courtney’s cheat sheet).” The “DPCCC Calendar” on its website (<https://contracostadems.com/>) states about the April 1, 2021 Executive Committee hearing: “Executive Committee - CLOSED SESSION ONLY for Disciplinary Hearing When Thu, April 1, 7pm – 9pm”. Those are inadequate justifications for closed meetings. The agenda for the April 15, 2021 meeting (released April 8<sup>th</sup>) is attached as Exhibit A (see also: <https://mailchi.mp/0f104b5a4a88/dpccc-region-13394182?e=02fdc0055d>). On April 8, Chair Rick- lefs announced that the entire trial, including deliberations and vote, will occur in closed session.

**Disciplinary Proceedings Generally Should Be Public Under U.S. Constitutional & California Law**

Under federal constitutional law, the accused is accorded a “public trial.” (text of U.S. Constitution, Sixth Amendment). The U.S. Supreme Court also has recognized a First Amendment right of the public and the press to witness preliminary hearings and trials. *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1 (1986), states:

The qualified First Amendment right of access to criminal proceedings applies to preliminary hearings as conducted in California ... [O]ne of the important means of assuring a fair trial is that the process be open to neutral observers. The right to an open public trial is a shared right of the accused and the public, the common concern being the assurance of fairness.

The public right of access in California also applies to civil disciplinary proceedings. Under California Code of Regulations, Title 2, §58.4 (“Hearings are Public”), State Personnel Board evidentiary hearings against state employees shall be conducted in public. The California Democratic Party should be no less protective of the accused’s rights to public proceedings, especially when the accused demands a public trial (as Jason Bezis repeatedly has demanded).

DPCCC grossly misinterprets the “Member Disciplinary and Other Proceedings Involving the Right to Privacy” provision of the CDP Open Meeting Rule (pp. 5-6) to argue that all disciplinary proceedings can be held in closed session as a default. On the contrary, the CDP Open Meeting

Rule strongly implies that member disciplinary proceedings should be as open as possible, stating, “[C]ustomary methods of maintaining privacy used in our courts, the proceedings of which are also open, are not inconsistent with the open meetings rule ... The open meetings rule is fully consistent with the use of a witness sequestration order.” (p. 5.) The CDP Open Meeting Rule observes that to protect confidentiality, “information can be redacted (or removed) from the documents used in a public meeting.” The CDP Open Meeting Rule underscores that disciplinary proceedings should be conducted in open meetings, whenever possible:

On rare occasions, customary efforts to protect the confidentiality of certain information are insufficient to allow the facts of a particular matter to be fully investigated or discussed. In such instances, where requested by the person whose confidentiality interests are at issue and where the body finds that customary efforts to protect that confidentiality will not suffice if the meeting is conducted in public, the body may conduct a portion of the proceedings in closed session. As noted, this should be rare as there is a strong presumption in favor of conducting Democratic Party affairs in public. (p. 6)

Therefore, the disciplinary proceedings conducted by the DPCCC in February, March, and April 2021 should not have been conducted in closed session, absent well-grounded justifications.

### **Closed Sessions Also Were Improper Under DPCCC’s Own “Due Process Policy & Procedure”**

The DPCCC Complaint & Due Process Policy & Procedure is illegitimate. (See <https://drive.google.com/file/d/1bqoqVCA46UiH8U91ghWCAE3pAJkaCjI7/view>; see also Exhibit B, pages 8-16). It does not provide due process and it was not adopted pursuant to DPCCC rules and bylaws. The policy was not fully vetted in that: (1) interested members who wanted to participate in formulation of the policy were excluded from the DPCCC rules sub-committee in violation of DPCCC bylaws which provided that all members had a right to serve on all county party committees except for the finance and executive committee and (2) interested members were denied a reasonable opportunity to participate in Central Committee deliberations on this policy because only token discussion was allowed.

Assuming *arguendo* that DPCCC’s so-called “Due Process Policy” is legitimate, Petitioners are informed and believe that the closed sessions on February 4, 2021 and March 4, 2021 were

improper disciplinary proceedings under DPCCC's own Complaint & Due Process Policy & Procedure, which requires that a Respondent be given "Notice of Complaint and the Right to Respond" after the DPCCC Complaint & Disciplinary Review Committee takes action and before the Executive Committee considers the matter. Section 3.C.c of the DPCCC Complaint & Due Process Policy & Procedure states in part, "If the CDRC chooses to take action, they shall provide a written Notice of Complaint and the Right to Respond to the Respondent ..." The DPCCC Executive Committee considered "Complaint 1" and "Complaint 2" in closed session on February 4, 2021 and March 4, 2021, yet no Respondent was given the requisite "Notice of Complaint and the Right to Respond" that the DPCCC Complaint & Disciplinary Review Committee had taken action on Complaint 1 and/or Complaint 2 and that the Executive Committee would hear those complaints on those dates. The DPCCC CRDC and DPCCC Executive Committee are withholding notice to Respondents as they engage in *ex parte* communications in secret meetings. The CDP Open Meeting Rule does not permit closed meetings to plot against other members in the guise of "disciplinary proceedings."

### **Remedy**

Petitioners request that the actions taken by the DPCCC Executive Committee and the DPCCC full body in improper closed sessions in February, March and April 2021 be declared null and void. This is the remedy under Government Code sec. 54960.1 for actions taken improperly by California public entities in closed session in violation of the Brown Act. Petitioners further request that the Compliance Review Commission declare that a disciplinary proceedings against a member before an Executive Committee or full body of a county central committee must occur in open session, especially if the member subject to disciplinary action demands public proceedings.

The CDP requires that Petitioners request the removal of members from the Democratic State Central Committee (DSCC) as a proposed remedy. Petitioners therefore call for the removal from the DSCC all DPCCC-appointed members who knowingly participated in the closed sessions of DPCCC meetings in February, March and April 2021 that lacked proper justification for closure.

Sincerely,

/s/ DIDDO CLARK; /s/ JASON A. BEZIS

Petitioners; Members, Contra Costa County Democratic Central Committee (Exhs. A & B attached)



**APPEAL**

**JASON A. BEZIS**  
3661-B Mosswood Drive  
Lafayette, CA 94549-3509  
jason@bezislaw.com

October 16, 2022

Diana Love  
Interim Secretary, California Democratic Party  
Rusty Hicks  
Chair, California Democratic Party  
**VIA E-MAIL TO:** [diana@cadem.org](mailto:diana@cadem.org); [chair@cadem.org](mailto:chair@cadem.org); [unique@cadem.org](mailto:unique@cadem.org)

Re: Appeal of CDP Compliance Review Commission Decision of Oct. 5, 2022 (Concerning April 22, 2021 Challenge); Notify of Intent to Testify

To the California Democratic Party Rules Committee (c/o Secretary Love and Chair Hicks):

This is a very important Challenge that involves serious allegations of exclusion from the Democratic Party based on race, national origin, religion, and sex discrimination against Petitioner Jason A. Bezis. This letter is to serve as Petitioner Bezis' appeal of the CDP Compliance Review Commission (CRC) decision dated October 5, 2022 relating to the April 22, 2021 Challenge Concerning the Contra Costa County Democratic Central Committee. This letter is also to serve as Petitioner Bezis' Notice of Intent to Testify. Pursuant to CDP Bylaws, Article XII, Section 2(e), Petitioner Bezis files this appeal with the CDP Secretary and a copy to the CDP Chair on October 16, 2022, within twelve days of the decision.

As a threshold matter, Petitioner Bezis notes that Senator Glazer and he filed a separate Challenge on May 13, 2021 concerning his exclusion from a Contra Costa County Democratic Central Committee meeting. **To the best of Petitioner Bezis' knowledge, the CRC has not heard and/or resolved that May 13, 2021 Glazer/Bezis Challenge.** That May 13, 2021 Challenge certainly was not on the agenda of the June 2, 2021 CRC meeting that considered the April 8, 2021 and April 22, 2021 Challenges. To the best of Petitioner Bezis' knowledge, DPCCC

member Jeff Koertzen wrote a response concerning that May 13, 2021 Challenge, but did not write a response to the April 22, 2021 challenge. So the October 5, 2022 Decision is incorrect.

First, Petitioner Bezis protests the long, unexplained delay between the date of filing of this Challenge complaint in April 2021 and the issuance of the CRC's decision in October 2022 (a year and a half later). This has been especially prejudicial to Mr. Bezis because the CRC issued five decisions affecting him on October 5, 2022, forcing Mr. Bezis to prepare appeals against all five decisions at once. Furthermore, during the two and a half year pendency of these Challenges, the Contra Costa County Democratic Central Committee has taken retaliatory action against Mr. Bezis, twice removing him from the County Committee without due process and in an illegal, discriminatory manner based on Mr. Bezis' race, national origin, religion and sex on April 15, 2021 and again on March 17, 2022. Mr. Bezis believes that the Contra Costa County Democratic Central Committee took these actions in order to attempt to undermine Mr. Bezis' standing in the pending challenges before the California Democratic Party.

Second, Petitioner Bezis disagrees with the CRC's disposal of this Challenge: "Based on the contents of the challenge, the CRC found no violation of our Bylaws but found jurisdiction on the belief that the challenge stated sufficient facts to call into question as to whether or not the open meeting rule was violated." The CRC Decision made a "Finding":

As to the challengers' claim that the DPCCC violated CDP open meeting rule and CDP Bylaws, Article XIII, Section 1 (Public meetings), the CRC found that with good intentions the DPCCC followed its own previously established procedures. The CRC finds that based on the evidence provided, no violation was committed.

Mr. Bezis believes that the facts clearly show that that the County Party violated the Open Meeting Rule and CDP Bylaws, Article XIII, § 1 (Public meetings).

The CDP Rules Committee needs to examine the vendetta that the County Committee and its leadership have had against Mr. Bezis, culminating in blatant, overt race, national origin,

and sex discrimination against Mr. Bezis at the April 15, 2021 trial. San Francisco Pride Board of Directors President Carolyn Wysinger and her allies have ganged up against Mr. Bezis, with aid from former County Party Chair Maria Alegria, current County Party Chair Katie Ricklefs, and County Party Disciplinary Committee Chair Courtney O'Brien, to exclude him from the Democratic Party based on his race, national origin, religion and/or sex. On August 22, 2020, the County Party narrowly voted to endorse Ms. Wysinger in a re-vote for a school board endorsement. Mr. Bezis filed challenges with the County Party and with the CDP. The CDP has jurisdiction because the CDP endorsement was applied to Ms. Wysinger. Robyn Kuslits (the current County Party Parliamentarian) and Kathryn Durham-Hammer spoke in favor of Ms. Wysinger's endorsement at the August 22, 2020 meeting. The County Party Executive Committee disposed of Petitioner Bezis' complaint against the Wysinger endorsement at a special September 9, 2020 meeting that violated the County Party's rules (the meeting was held without the required notice to Mr. Bezis).<sup>1</sup> In illegally disposing of Mr. Bezis' complaint about the CDP West Contra Costa Unified School District (WCCUSD)(Wysinger) endorsement, the County Party Executive Committee relied at the Sept. 9, 2020 special meeting on verbal testimony by Kuslits. Kuslits and Durham-Hammer retaliated against Bezis by initiating proceedings in the County Party in early October 2020 to oust Bezis and State Senator Steve Glazer from the County Party.

---

<sup>1</sup> The County Party Complaint and Disciplinary Review Committee (CDRC) concluded that the August 22, 2020 Wysinger endorsement vote was against County Party policy. The CDRC recommended that the County Committee re-take the endorsement vote, which Chair Alegria, Vice Chair Ricklefs and others simply ignored. The CDRC also concluded that the September 9, 2020 special County Party Executive Committee meeting to dispose of Mr. Bezis' challenge was conducted in a manner that violated Mr. Bezis' rights. The County Party CDRC recommended in April 2021 (18 months ago) that former County Chair Maria Alegria, current County Party Chair Katie Ricklefs, former County Party Parliamentarian Jeff Koertzen and others be tried by County Central Committee for discipline, but current County Party Chair Katie Ricklefs has refused to schedule the trial over the past 18 months. Chair Ricklefs instead further retaliated against Petitioner Bezis by fast-tracking a second trial against Petitioner Bezis on March 17, 2022. To date, Chair Ricklefs still defies the CDRC ruling and refuses to schedule a trial of Alegria, Ricklefs (herself), Koertzen, and others responsible for wrongdoing at the September 9, 2020 special County Party Executive Committee meeting that violated Petitioner Bezis' rights.

In early November 2020, petitioner Bezis filed a state Fair Political Practices Commission complaint on behalf of a client concerning the Bay Area Rapid Transit District 1 election. The County Party Executive Committee met in secret session in early 2021 to direct Kuslits and Durham-Hammer to amend their October 2020 complaint to target Mr. Bezis for removal based on the FPPC complaint that he filed on behalf of a client. These *ex parte* meetings, which included County Party Disciplinary Committee Chair Courtney O'Brien, were not permissible under the County Party's disciplinary procedures and were an obvious violation of due process rights of Mr. Bezis. They conspired behind closed doors to target Mr. Bezis for exclusion from the Party.

The FPPC complaint concerning the BART race was merely a *post hoc* pretext for County Party leadership, Ms. Wysinger and their allies to conspire against Mr. Bezis in retaliation for his challenging the August 22, 2020 CDP WCCUSD (Wysinger) endorsement vote. Mr. Bezis demanded an open, public trial on April 15, 2021 (and again on March 17, 2022), but his pleas were voted down and ignored by the County Party and CDP officers, including Regional Chairs Rocky Fernandez and Lynette Henley. During the April 15, 2021 trial, Mr. Bezis was stripped of the ability to object to the horrific race, national origin, and sex discrimination/ lynching that occurred as his microphone and "chat" functions were intentionally shut off by County Party Committee Chair Ricklefs, Disciplinary Committee Chair Courtney O'Brien, and Parliamentarian Lynette Henley. **Ms. Wysinger, among others, made defamatory, untrue statements and called for Mr. Bezis' exclusion from the Democratic Party based on his race, national origin, and sex – which was entirely irrelevant to the actual charges. Ms. Wysinger implored the body to ignore the actual facts and law and instead find Bezis "guilty" and oust him from the Democratic Party based on his race, national origin and sex, in order to advance the "equity" tenets of Critical Race Theory.** Ricklefs, O'Brien, and Henley refused to intervene. CDP Chair Rusty Hicks

was callously indifferent to Mr. Bezis' plight, falsely telling Bezis by phone that he was powerless to take enforcement actions against County Committees and urging Mr. Bezis "to organize, not agonize." **The California Democratic Party is complicit in this "lynching" of Mr. Bezis.**

After Ms. Wysinger's attacks, Mr. Bezis wrote to the San Francisco Pride Board of Directors to ask it to investigate Board President Wysinger's race, national origin and sex discrimination against him during the April 15, 2021 trial. Thereafter, Wysinger, Koertzen and Kuslits filed a new County Party complaint against Bezis in retaliation for his reporting of Wysinger's discriminatory conduct against him. **On March 17, 2022, the County Party retaliated and held another trial that found Bezis "guilty" of reporting and filing a discrimination complaint.**

The Charter of the Democratic Party of the United States asserts in Article Eight (Full Participation), Section 2, "**Discrimination in the conduct of Democratic Party affairs on the basis of sex, race, age (if of voting age), color, creed, national origin, religion, economic status, sexual orientation, gender identity, ethnic identity or disability is **prohibited**, to the end that the Democratic Party at all levels be an open party.**" (Emphasis added.) Petitioner Bezis demands that the Democratic National Committee and the California Democratic Party, including members of the Rules Committee and CDP staff members to the Rules Committee, fulfill their duties to investigate the horrific race, national origin, religion and sex discrimination that Petitioner Bezis has experienced at the hands of the Democratic Party, including by its officers, employees and agents, including but not limited to their complicity in such discrimination, along with their failure to investigate and take remedial action.

Petitioner Bezis requests that the Rules Committee reverse the CRC and resolve this Challenge on its merits. Petitioner Bezis hereby provides notice of his intent to testify.

Respectfully submitted,  
/s/ Jason A. Bezis, Petitioner; member, Democratic State Central Committee (AD 16)

# **CRC DECISION**

## MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: October 5, 2022

RE: **COMPLIANCE REVIEW COMMISSION (CRC) DECISION RELATING TO A  
CHALLENGE FILED BY SENATOR STEVE GLAZER AND JASON BEZIS**

---

### **INTRODUCTION:**

On April 22, 2021 Senator Steve Glazer and Jason Bezis filed a challenge relating to the actions of the Contra Costa County Democratic Central Committee (DPCCC). The challenge alleges that the DPCCC violated CDP Open Meeting Rule and CDP Bylaws, Article XIII, Section 1(Public meetings), claiming that the DPCCC held an illegal “executive session” (closed session) at its April 15, 2021 meeting where a disciplinary action and an illegal vote to suspend Mr. Bezis took place. The challengers further allege that during this meeting, serious violations of the CDP Code of Conduct were violated. The challengers claim that the entire disciplinary hearing was conducted in closed session despite the repeated demand of a public trail by Mr. Bezis. This included the deliberations and roll call votes and other determinations. The challengers also mention that the DPCCC excluded the press (Contra Costa Herald) from the closed session. Furthermore, the challengers allege that Brad Kent, alternative to Chair Ricklef, cast illegal votes during the April 15, 2021 meeting in violation of Elections Code § 7208 being that alternates can only vote in the absence of their appointer but Chair Ricklef was present. Challengers request that the CRC deem null and void the actions taken during closed sessions at the DPCCC February, March, and April 2021 Executive Committee meetings and during the closed session at the April 15, 2021 DPCCC full body meeting, in violation of the CDP Open Meeting Rule.

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

CDP Staff received the following documents associated with the challenge:

1. Challenge submitted by Mr. Steve Glazer and Mr. Jason Bezis on April 22, 2021 and one supportive document.
  1. Exhibit 1 – April 15<sup>th</sup> Roll Call Vote
2. Responses opposing the challenge were submitted by the DPCCC Chair Katie Ricklef and DPCCC members, Sue Hamill and Jeff Koertzen and three supporting documents.
  1. Email from former Rules Committee member on Bylaws subcommittee
  2. Formal Suspension letter to Mr. Bezis
  3. Article resulting from the April 15<sup>th</sup> meeting from Contra Costa Herald



3. Response supporting the challenge was submitted by Jason Bezis with one supportive document.
  1. Membership meeting minutes

### **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 January 2021, unless otherwise indicated.)

The challenge filed by Mr. Glazer and Mr. Bezis was submitted on April 22, 2021. The submission was within 7 days of the DPCC meeting on April 15, 2021, thus the challenge was timely.

### **STANDING:**

According to Article XII, Section 3:

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

Mr. Glazer is a member of the DPCCC and Mr. Bezis was a member before the alleged improper removal, thus the CRC finds that the challengers 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.”

Based on the contents of the challenge, the CRC found no violation of our Bylaws but found jurisdiction on the belief that the challenge stated sufficient facts to call into question as to whether or not the open meeting rule was violated.

### **FINDINGS:**

1. As to the challengers' claim that the DPCCC violated CDP open meeting rule and CDP Bylaws, Article XIII, Section 1(Public meetings), the CRC found that with good intentions the DPCCC followed its own previously established procedures. The CRC finds that based on the evidence provided, no violation was committed.

2. As to Mr. Bezis's claim that voting at the DPCCC violated Elections Code 7208 as it stipulates that the alternate cannot cast a vote when the regular member is present and the DPCCC regular member's alternate voted even though the DPCCC regular member was not absent from the meeting, the CRC notes that the California Supreme Court has found that county committees are not bound by the Elections Code.

### **ORDER AND COMMENTS:**

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

The CRC dismisses the challenge as the challengers were not able to provide proof of violation of either the DPCCC or any article of the CDP Bylaws.

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.

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

Tim Allison, Co-Chair, Credentials Committee

Kathy Bowler, Co-Lead Chair, Rules Committee

Nicole Fernandez, Co-Chair, Rules Committee

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

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

# **ORIGINAL COMPLAINT**

**LAW OFFICES OF JASON A. BEZIS**

**3661-B Mosswood Drive Lafayette, CA 94549-3509 (925) 708-7073 [jason@bezislaw.com](mailto:jason@bezislaw.com)**

April 22, 2021

Compliance Review Commission of California Democratic Party

c/o Jenny Bach ([secretary@cadem.org](mailto:secretary@cadem.org))

c/o Rusty Hicks ([rusty@cadem.org](mailto:rusty@cadem.org))

Secretary, California Democratic Party

Chair, California Democratic Party

cc: CDP staff members Yvette Martinez ([yvette@cadem.org](mailto:yvette@cadem.org)) & Unique Wilson ([unique@cadem.org](mailto:unique@cadem.org));

Democratic Party of Contra Costa County Central Committee Chair ([ktricklefs@gmail.com](mailto:ktricklefs@gmail.com))

**Re: Challenge Concerning April 15, 2021 Closed Meeting by Contra Costa County Democratic Central Committee (DPCCC) In Violation of CDP Open Meeting Rule & CDP Code of Conduct**

To the California Democratic Party Compliance Review Commission (c/o Secy. Bach & Chair Hicks):

Petitioner State Senator Steve Glazer (SD7) is a member of the Contra Costa County Democratic Central Committee ("DPCCC") and Petitioner Jason Bezis (AD16) was a member of DPCCC at all relevant times as Alternate Member for Senator Glazer until DPCCC voted to suspend Bezis' membership at DPCCC's April 15, 2021 meeting.

In violation of the CDP Open Meeting Rule and CDP Bylaws, Article XIII, Section 1, DPCCC held an improper "executive session" (closed session) at its April 15, 2021 meeting to engage in disciplinary action against Bezis. Serious violations of the CDP Code of Conduct occurred during that closed session. This was the only closed session of DPCCC as a full body in at least 25 years.

This challenge is submitted pursuant to CDP Bylaws, Article XII. In compliance with Art. XII, Section 4, Petitioners have filed this written challenge "no later than seven (7) calendar days after the alleged violation occurred" and originally served it upon the required parties on April 22, 2021.

**Jurisdiction**

The State Party Compliance Review Commission (CRC) has jurisdiction over this complaint because it concerns CDP Bylaws, Article XIII, Section 1 (Public Meetings) and the CDP Open Meeting Rule. (See CDP Open Meeting Rule at: <https://cademorg-media.s3.amazonaws.com/wp-content/uploads/2020/06/03130904/CDP-Cmte-Rules-Statement-OpenMeeting-18-07-14.pdf>) Petitioners have no viable local remedies because DPCCC's Complaint & Due Process Policy & Procedure is at issue.

**DPCCC Violated CDP Open Meeting Rule With Multiple Illegal Closed Sessions & Votes**

CDP Bylaws, Article XIII, Section 1 (Public Meetings) states in part, "All public meetings at all levels of the Democratic Party shall be open to all members of the Democratic Party ..." The CDP Open Meeting Rule was re-adopted by the CDP Rules Committee in July 2018. It states, "All meetings of the Democratic Party, at all levels, should be considered public meetings, with very few exceptions." DPCCC is a level of the Democratic Party. It is subject to the CDP Open Meeting Rule.

The CDP Open Meeting Rule provides requirements for closed sessions: (1) “Even where a closed session is required, the general rule that meetings should be conducted as much in public as possible means that the portion of the meeting conducted in closed session should be as limited as possible,” (2) “In particular, wherever possible, all deliberations should be conducted in public,” (3) “In any event, all votes or other final determinations must take place in a public meeting,” (4) “There should be a self-contained and understandable explanation in the open part of the meeting of the reason for the closed session, why customary efforts to protect confidentiality other than going into closed session are not sufficient, and what portion of the meeting will be conducted in closed session.” (p. 6.) (5) The CDP Open Meeting Rule also guarantees press access to meetings, “Absent one of the exceptions to a meeting of the Democratic Party being public, the press cannot be barred from observing a public meeting of the Democratic Party.” (p. 9.)

DPCCC violated all five of these requirements of the CDP Open Meeting Rule at its April 15, 2021 meeting when it considered agenda item no. 9: “EXECUTIVE SESSION (voting members only)\* for Disciplinary Hearing. Non-voting members may wait in the Zoom waiting room and hear the result when the session is concluded. Voting members will separately receive an email with documents to read carefully in advance of the meeting.”

First, the entire disciplinary hearing was conducted in closed session, despite repeated demands by Petitioner Bezis, the “Defendant” in the disciplinary hearing, to conduct a public trial. Second, the “deliberations” at the disciplinary hearing were not conducted in public, despite requests from Petitioner Bezis to do so. Third, all votes and other final determinations did not take place in a public meeting. Two roll call votes occurred in the closed session. The DPCCC deems those roll call votes “confidential.” Fourth, there was not a self-contained and understandable explanation in the open part of the meeting of the reason for the closed session and why customary efforts to protect confidentiality other than going into closed session were not sufficient. Fifth, DPCCC excluded the press (*Contra Costa Herald*) from the closed session.

The CDP should borrow from the California Government Code secs. 56960 and 54960.1 the “mandatory recording” and “null and void” remedies used to cure or correct actions taken in closed meetings in violation of the Brown Act. Petitioners request that the CDP deem null and void the actions taken during closed sessions at the DPCCC February, March, and April 2021 Executive Committee meetings and during the closed session at the April 15, 2021 DPCCC full body meeting, in violation of the CDP Open Meeting Rule. At the February and March 2021 meetings, the Executive Committee never voted to go into closed session. Votes did not occur in open session. No summary reports of what occurred in closed session were made part of the meeting minutes. Petitioner Bezis suspects that the Executive Committee discussed complaints concerning him in the February and March 2021 Executive Committee closed sessions without requisite notice to him. The April 1, 2021 meeting was completely closed (no open portion, public votes or report).

Brad Kent, alternate to Chair Ricklefs, cast illegal votes during the April 15, 2021 meeting in violation of Elections Code § 7208 (“An alternate member ... may vote only in the absence of the member who appointed him or her”) as Chair Ricklefs was present, presiding over the meeting.

Despite Bezis’ protests at the April 15, 2021 meeting, the body voted to close his trial to the public and the press, including deliberations and votes. (See Exh. 1 for roll call vote.) A DPCCC member who was excluded from the closed session opined on chat, “DPCCC is courting a lawsuit.”

**Disciplinary Proceedings Generally Should Be Public Under U.S. Constitutional & California Law**

Under federal constitutional law, the accused is accorded a “public trial.” (text of U.S. Constitution, Sixth Amendment). The U.S. Supreme Court also has recognized a First Amendment right of the public and the press to witness preliminary hearings and trials. *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 7 (1986), states:

The qualified First Amendment right of access to criminal proceedings applies to preliminary hearings as conducted in California ... [O]ne of the important means of assuring a fair trial is that the process be open to neutral observers. The right to an open public trial is a shared right of the accused and the public, the common concern being the assurance of fairness. [Emphasis added.]

The public right of access in California also applies to civil disciplinary proceedings. Under California Code of Regulations, Title 2, §58.4 (“Hearings are Public”), State Personnel Board evidentiary hearings against state employees shall be conducted in public. The California Democratic Party should be no less protective of the accused’s rights to public proceedings, especially when the accused demands a public trial (as Mr. Bezis repeatedly demanded).

DPCCC grossly misinterprets the “Member Disciplinary and Other Proceedings Involving the Right to Privacy” provision of the CDP Open Meeting Rule (pp. 5-6) to argue that all disciplinary proceedings can be held in closed session as a default. On the contrary, the CDP Open Meeting Rule strongly implies that member disciplinary proceedings should be as open as possible, stating, “[C]ustomary methods of maintaining privacy used in our courts, the proceedings of which are also open, are not inconsistent with the open meetings rule ... The open meetings rule is fully consistent with the use of a witness sequestration order.” (p. 5.) The CDP Open Meeting Rule observes that to protect confidentiality, “information can be redacted (or removed) from the documents used in a public meeting.” The CDP Open Meeting Rule underscores that disciplinary proceedings should be conducted in open meetings, whenever possible:

On rare occasions, customary efforts to protect the confidentiality of certain information are insufficient to allow the facts of a particular matter to be fully investigated or discussed. In such instances, where requested by the person whose confidentiality interests are at issue and where the body finds that customary efforts to protect that confidentiality will not suffice if the meeting is conducted in public, the body may conduct a portion of the proceedings in closed session. As

noted, this should be rare as there is a strong presumption in favor of conducting Democratic Party affairs in public. (p. 6)

Therefore, the disciplinary proceeding conducted by DPCCC on April 15, 2021 should not have been conducted entirely in closed session. Portions, including all votes, should have been public.

**Violations of CDP Code of Conduct: ‘Unacceptable Harassment’ of Defendant Bezis by DPCCC**

The closed-session DPCCC disciplinary proceeding against Defendant Bezis on April 15, 2021 was not conducted consistent with the CDP Code of Conduct. It was not a “welcoming, respectful, friendly, safe, supportive, and harassment-free environment.” The “deliberations” consisted of a series of two-minute slanderous attacks against Bezis, whose Zoom microphone was turned off and who was unable to object to the abuse. These free-for-all attacks were not “deliberations.” They were irrelevant to the three charges and were “unacceptable harassment.” Speakers blatantly slandered Bezis and overtly discriminated against him based on CDP Code of Conduct “protected categories.” The “deliberations” devolved into a forum for extremely personalized abusive allegations and slanderous and defamatory attacks against Bezis.

The three charges revolve entirely around a complaint that Mr. Bezis, an attorney, filed with a law enforcement agency on behalf of a client. (It’s truly ironic that the evidence provided by DPCCC to prove the three charges, in fact, proves that Bezis is not guilty.) But instead of deliberating on these three charges and the lack of evidence supporting them, Bezis’ “guilt” and suspension from membership were based upon race- and gender-based animus against him. Speakers falsely and slanderously accused him of being a racist, misogynist, homophobe, and terrorist.

A speaker urged the body to remove him from membership because he was "dangerous to justice as a rules-following white man, but there’s something more dangerous than that: a rules-following white man who is not even white. That is very dangerous."

With no basis, a speaker accused Bezis: “The only thing I’ve seen from the accused is a pattern of attacking and disrespecting women of color and queer women in this DPCCC body.”

A speaker also asserted against Bezis, "You are literally terrorizing. We watched the accused terrorize a trans woman in our body." Jason Bezis finds the repeated accusations during his trial (with no right of rebuttal) that he was a “terrorist” against other minorities abhorrent because in the weeks after September 11, 2001 he personally was detained and questioned at an airport by law enforcement as a “terrorist” and again detained and questioned at the Pentagon by Defense Protective Services as a “terrorist.” As a person who has been subjected before to unfair charges, Mr. Bezis is not only very sensitive to repulsive and baseless accusations against himself, but also all attacks against all minorities. He can confirm that P.T.S.D. is real and continues to be triggered. He demands a complete investigation by the CDP of the slanderous charges against him.



None of these groundless personal attacks is relevant to the three charges, yet they were used during “deliberations” as arguments to justify Bezis’ removal. If this had been a real trial, a mistrial would need to be declared based on the factfinders’ failure to follow the law and instead inject their own biases, personal prejudices, and slanderous attacks into the so-called “deliberations” over their “guilty/not guilty” decisions. He was not permitted to confront his accusers.

DPCCC engaged in retaliation against Bezis for filing complaints not only with a law enforcement agency on behalf of a client, but also for filing complaints with the CDP. One member said during the closed-door “deliberations”: “We have tolerated this pattern of behavior long enough. Mr. Bezis has been filing complaints against the DPCCC for years, the vast majority of which are dismissed [by the CDP].” This member then urged the body to remove Bezis from membership in direct retaliation for his filing of complaints with the CDP.

At no time during the vicious and slanderous personal attacks did any participating CDP or DPCCC leader stop or even object to the abuse and harassment against Bezis, including Chair Ricklefs, CDP Region 2 Director Lynette Henley (who was serving as Parliamentarian), and CDP Region 5 Director Rocky Fernandez. By not stopping the unwarranted, defamatory attacks, they allowed this Democratic Party forum to become a character assassination in which Bezis was held prisoner.

**Remedy: Actions Taken in Illegal Closed Sessions Are Null & Void; Mandatory Future Recordings**

Petitioners request that the actions taken by the DPCCC Executive Committee and the DPCCC full body in improper closed sessions in February, March and April 2021 be declared null and void. This is the remedy under Government Code secs. 54960 and 54960.1 for actions taken improperly by California public entities in closed session in violation of the Brown Act. Petitioners further request that the Compliance Review Commission (CRC) declare that a disciplinary proceedings against a member before an Executive Committee or full body of a county central committee must occur in open session to the greatest extent practicable under the CDP Open Meeting Rule, whenever the member subject to disciplinary action demands public proceedings. The CDP also should order DPCCC to record its future closed sessions and preserve the recordings under the terms of security and confidentiality that the CDP deems appropriate (a remedy inspired by Govt. Code § 54960(b).)

As part of the cure and correction of DPCCC’s improper conduct, Petitioners request that DPCCC publicly apologize for its misconduct. We strongly suggest that it would be wise and appropriate for the CDP to require all DPCCC participants to complete a “sensitivity training” program. Respectfully submitted,

/s/ STEVE GLAZER, California State Senator (SD7); /s/ JASON A. BEZIS (AD16)

Petitioners/Complainants

Attachment: Exhibit 1 (4/15/21 DPCCC roll call vote)

**APPEAL**

**JASON A. BEZIS**  
3661-B Mosswood Drive  
Lafayette, CA 94549-3509  
jason@bezislaw.com

October 16, 2022

Diana Love  
Interim Secretary, California Democratic Party  
Rusty Hicks  
Chair, California Democratic Party  
**VIA E-MAIL TO:** [diana@cadem.org](mailto:diana@cadem.org); [chair@cadem.org](mailto:chair@cadem.org); [unique@cadem.org](mailto:unique@cadem.org)

Re: Appeal of CDP Compliance Review Commission Decision of Oct. 5, 2022 (Concerning June 24, 2021 Challenge – CDP Executive Board Election in Contra Costa County Democratic Central Committee); Notify of Intent to Testify

To the California Democratic Party Rules Committee (c/o Secretary Love and Chair Hicks):

This letter is to serve as Petitioner Jason A. Bezis' appeal of the CDP Compliance Review Commission (CRC) decision dated October 5, 2022 relating to the June 24, 2021 Challenge concerning the CDP Executive Board election in the Contra Costa County Democratic Central Committee. This letter is also to serve as Petitioner's Notice of Intent to Testify. Pursuant to CDP Bylaws, Article XII, Section 2(e), Mr. Bezis files this appeal with the CDP Secretary and a copy to the CDP Chair on October 16, 2022, within twelve days of the decision.

First, Mr. Bezis protests the long, unexplained delay between the date of filing of this Challenge complaint in June 2021 and the issuance of the CRC's decision in October 2022. This delay has been especially prejudicial to Mr. Bezis because the CRC issued five decisions affecting Mr. Bezis on October 5, 2022, forcing him to prepare appeals against all five decisions at once. Furthermore, during the two and a half year pendency of these Challenges, the Contra Costa County Democratic Central Committee twice has taken retaliatory action against Mr. Bezis, removing him from the County Committee without due process and in an illegal, discriminatory manner based on Mr. Bezis' race, national origin, religion and sex on April 15,

2021 and again on March 17, 2022. Petitioner believes that the County Committee took these actions in order to attempt to undermine Mr. Bezis's standing in the pending challenges before the California Democratic Party.

Second, the October 5, 2022 Decision refers to the following documents: "Response opposing the challenge submitted by Respondent Katie Ricklefs, Chair of the Democratic Party of Contra Costa County. (which Includes Exhibit A) ...Responses opposing the challenge submitted by Maria Alegria, Regular Member of the DPCCC, Marisol Rubio, Associate Member of the DPCCC, and Jeff Koertzen, Associate Member of the DPCCC. Includes Exhibits A-E." Mr. Bezis is informed and believes that he does not possess copies of those documents. Mr. Bezis is informed and believes that those documents are not available on the California Democratic Party website. Mr. Bezis requests that copies of those documents (referred to in this paragraph) be provided to him as soon as possible in electronic format to this e-mail address: jason@bezislaw.com.

Third, Mr. Bezis alleges that he would have had standing for this complaint as a Contra Costa County Democratic Central Committee member but for his removal from membership in the Contra Costa County Democratic Central Committee without due process and in an illegal, discriminatory manner based on Mr. Bezis' race, national origin, religion and sex on April 15, 2021 and again on March 17, 2022.

The Charter of the Democratic Party of the United States asserts in Article Eight (Full Participation), Section 2, "Discrimination in the conduct of Democratic Party affairs on the basis of sex, race, age (if of voting age), color, creed, national origin, religion, economic status, sexual orientation, gender identity, ethnic identity or disability is prohibited, to the end that the Democratic Party at all levels be an open party." (Emphasis added.) The California Democratic

Party should not ratify discrimination and exclusion from the Democratic Party based on race, national origin, religion and sex. Mr. Bezis demands an investigation of the race, national origin, religion, and sex discrimination and exclusion against him by units of the Democratic Party. As stated above, but for race, national origin, religion, and sex discrimination and exclusion against Mr. Bezis by units of the Democratic Party, Mr. Bezis would have standing to pursue this Challenge. CDP Chair Rusty Hicks and his employees and agents willfully and deliberately choose not to investigate discrimination, exclusion and retaliation against Mr. Bezis, especially the CDP Compliance Review Commission and by the Contra Costa County Democratic Central Committee, based on his race, national origin, religion and sex. CDP officers, employees, and agents have a duty to report Mr. Bezis' allegations of discrimination, exclusion and retaliation against Mr. Bezis based on race, national origin, religion and sex to responsible investigative authorities, including to the Democratic National Committee.

Fourth, Mr. Bezis protests the portion of the October 5, 2022 Decision rejecting timeliness by stating, "[T]he Executive Committee meeting that took place in May of 2021 regarding DPCCC's violation of the Open Meeting rule and CDP Bylaws Article XIII, Section 1 by not allowing the Challenge to attend as a Registered Democrat in the County." Mr. Bezis yet again protests the CDP's draconian, strict "seven days statute of limitations following incident" for filing Challenges. The Contra Costa County Democratic Central Committee Executive Committee has increasingly arrogated for itself much of the County Central Committee's power. After Mr. Bezis raised CDP Open Meeting Rule challenges concerning the Contra Costa County Democratic Central Committee, the County Committee Executive Committee began to deem its meetings "nonpublic" in order to exclude the other 350,000+ registered Democrats from viewing (let alone participating in) its meetings. The County Executive Committee did this

in order to circumvent the CDP Open Meeting Rule and to exclude Mr. Bezis. Mr. Bezis could not challenge the May 2021 County Executive Committee meeting within seven days of that meeting because that was a “nonpublic” Democratic Party meeting. Quite obviously, it is extremely difficult to discover what is said and done in a “nonpublic” meeting. The CRC Decision dated October 5, 2022 sets a very bad precedent in beginning the seven-day statutes of limitations clock on the date of a “nonpublic” meeting. (Consider the principles that animated the very first statute signed into law by President Barack Obama, the Lily Ledbetter Fair Pay Act of 2009, which effectively reversed *Ledbetter v. Goodyear Tire & Rubber Co.*, 550 U.S. 618 (2007).)

Finally, this Challenge deserves thoughtful consideration because it reinforces the need for open and robust debate at all levels of the Democratic Party about the perverse distortions that can occur when gender parity and district elections are combined, especially for CDP Executive Board elections.

Respectfully submitted,

/s/ Jason A. Bezis

JASON A. BEZIS, Petitioner; member, Democratic State Central Committee (AD 16)

# **CRC DECISION**

## MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: October 5, 2022

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

---

### **INTRODUCTION:**

On June 24, 2021 Jason Bezis filed a challenge relating to the actions of the Democratic Party of Contra Costa County (DPCCC). The challenge alleges that the DPCCC's election of its Executive Board members was not held timely per CDP Bylaws, Article VII, Section 2.b.(2) which states in part, "County Committee representatives to the Executive Board shall be elected by their respective County Committees as provided in their bylaws at their first regular meeting following This Committee's State Convention in an odd-numbered year." Mr. Bezis claims that the first regular meeting following the State Convention was in May of 2021; therefore, the June 2021 Executive Board election was not timely. The challenger claims that the DPCCC violated the Open Meeting rule and CDP Bylaws Article XIII, Section 1 when it rewrote its Executive Board election procedures in meetings that were closed to the public. Mr. Bezis further claims that petitioners were prevented from joining the first Central Committee Rules Committee hearing in 2021 in addition to the May and June Central Committee Executive Committee meetings. The Challenger claims that the new Central Committee procedures for the Executive Board elections are problematic to operate and led to 75 percent of the Central Committee's Executive Board seats being awarded to candidates in uncontested elections.

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

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

1. Challenge submitted by Jason Bezis on June 24, 2021
2. Response opposing the challenge submitted by Respondent Katie Ricklefs, Chair of the Democratic Party of Contra Costa County. (which Includes Exhibit A)
3. Responses opposing the challenge submitted by Maria Alegria, Regular Member of the DPCCC, Marisol Rubio, Associate Member of the DPCCC, and Jeff Koertzen, Associate Member of the DPCCC. Includes Exhibits A-E
4. No responses in support of the challenge were submitted



**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 January 2021, unless otherwise indicated.)

The challenge filed by Mr. Bezis was submitted on June 24, 2021. The submission was within 7 days of the DPCCC meeting on June 17, 2021, thus the challenge was timely. The CRC finds all challenges timely, except the Executive Committee meeting that took place in May of 2021 regarding DPCCC’s violation of the Open Meeting rule and CDP Bylaws Article XIII, Section 1 by not allowing the Challenge to attend as a Registered Democrat in the County.

**STANDING:**

According to Article XII, Section 3:

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

Mr. Bezis is not a member of the DPCCC and has been suspended from DPCCC for a year, thus the CRC finds that he does not have standing as he was not adversely affected.

**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 determined as there was no finding of standing in this challenge.

## **FINDINGS:**

As noted above, the challenge submitted by Mr. Bezis failed to prove standing according to the challenge.

As for the challenger's claim that the DPCCC violated CDP open meeting rule and CDP Bylaws, Article XIII, Section 1(Public meetings), the CRC found that with good intentions the DPCCC followed its own previously established procedures. The CRC finds that this challenge was not submitted timely and declines to opine on the issue.

## **ORDERS AND COMMENTS:**

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

The CRC denies the challenge due to the lack of standing.

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

Kathy Bowler, Co-Lead Chair, Rules Committee

Nicole Fernandez, Co-Chair, Rules Committee

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

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

# **ORIGINAL COMPLAINT**

**LAW OFFICES OF JASON A. BEZIS**

**3661-B Mosswood Drive Lafayette, CA 94549-3509 (925) 708-7073 jason@bezislaw.com**

June 24, 2021

Compliance Review Commission of California Democratic Party

c/o Melahat Rafiei ([secretary@cadem.org](mailto:secretary@cadem.org))

Secretary, California Democratic Party

c/o Rusty Hicks ([rusty@cadem.org](mailto:rusty@cadem.org))

Chair, California Democratic Party

cc: CDP staff members Yvette Martinez ([yvette@cadem.org](mailto:yvette@cadem.org)) & Unique Wilson  
([unique@cadem.org](mailto:unique@cadem.org)); Contra Costa County Democratic Central Committee Chair  
([ktricklefs@gmail.com](mailto:ktricklefs@gmail.com))

Re: Challenge Concerning CDP Executive Board Election at Contra Costa County Democratic  
Central Committee (DPCCC) June 17, 2021 Meeting

To the California Democratic Party Compliance Review Commission (c/o Secretary Rafiei & Chair  
Hicks):

Petitioner Jason A. Bezis, (AD16) is a registered Democrat in Contra Costa County who  
has an interest in his County's CDP Executive Board elections. This challenge is submitted  
pursuant to CDP Bylaws, Article XII. In compliance with Article XII, Section 4, Petitioner has filed  
this written challenge "no later than seven (7) calendar days after the alleged violation  
occurred" on June 17, 2021 and served it upon the required parties on June 24, 2021.

**Jurisdiction**

The State Party Compliance Review Commission has jurisdiction over this complaint  
because it concerns a CDP Executive Board election and violations of CDP Open Meeting Rule  
and CDP Bylaws, Article XIII, Section 1.

**Argument**

First, the Contra Costa County Democratic Central Committee (DPCCC)'s Executive  
Board election was not timely. CDP Bylaws, Article VII, Section 2.b.(2) states in part, "County  
Committee representatives to the Executive Board shall be elected by their respective County

Committees as provided in their bylaws at their first regular meeting following This Committee's state convention in an odd-numbered year.” The first regular meeting following the State Convention was in May 2021, a full month earlier. Therefore, the June 2021 E-board election in Contra Costa County was not timely.

Second, DPCCC violated the CDP Open Meeting Rule and CDP Bylaws, Article XIII, Section 1 when it re-wrote its Executive Board election procedures in meetings that were closed to more than 370,000 registered Democrats in the county. The new Executive Board election procedures supposedly were written in committee meetings extending nearly eight hours, but those committee meetings were closed to the public. When Petitioner attempted to attend the first DPCCC Rules Committee meeting of 2021, County Party Chair Katie Ricklefs strenuously argued that only dues-paying members of the County Party are eligible to attend DPCCC committee meetings. When Petitioner attempted to join the DPCCC Executive Committee meetings in May and June, he was not permitted admission to these “public” meetings.

The CDP Executive Committee apportionment is based on one representative for every 100,000 registered Democrats in a county. It’s ironic that the Contra Costa County Democratic Central Committee works hard to exclude its county’s registered Democrats at the very meetings that determine their representation on the CDP Executive Board. DPCCC wants to use its 370,000 registered Democrats only to increase its own power, but does not want these 370,000 Democrats to have a voice in CDP Executive Board elections.

Third, the new rule for CDP Executive Board elections that DPCCC produced in its secretive conclaves is extremely problematic in its operation. The CDP should not permit DPCCC to continue to use this new rule in future elections. DPCCC made a huge mistake in creating district-based elections for CDP Executive Board, without fully thinking through the gender-parity ramifications. As a consequence of this new rule, there were uncontested elections for three of the four seats. In future years, if the seats are highly contested, there

could be distortions wherein three female candidates win the three highest votes countywide, yet one of them cannot be seated because that would upset the gender balance. As a consequence, an “Other than Female” candidate who runs as a fluke and garners just one vote could be declared the winner in the district where the third female candidate ran, even if that female candidate had won 75 votes. The “Other than Female” candidate would win in that district with just one vote despite the 75 votes for his female competitor in that district.

What happened in the June 17, 2021 CDP Executive Board election in Contra Costa County is that neither the pool of candidates nor the electorate was informed or engaged. Turnout of eligible voters was miniscule. There was a peculiar “pre-registration” round of the election in which candidates who declared their candidacies by a certain date were automatically deemed the winners for two seats. Both were “Other than Female.” This precluded any additional “Other than Female” candidates from running because the other two slots were reserved for female candidates – but those female candidates each had to be from two districts.

In one district, there was an effort in real time during the meeting to persuade some female candidate to claim the seat. Many in the room, including these potential candidates, were confused about what they were running for. Finally a female candidate in one of the districts was persuaded to accept an Executive Board appointment.

This is what happens when a secretive conclave meets for eight hours to design convoluted new CDP Executive Board election rules. Voices were excluded that could have given the proposed rules a “reality check.” Single-candidate elections are Soviet-style “democracy” – yet that happened for 75 percent of Contra Costa County’s E-board seats.

The fourth seat was contested, with three female candidates nominated from the floor. The victorious candidate, the incumbent County Party Chair, reluctantly accepted the nomination and voted for one of her opponents, yet ended up prevailing, despite her lack of enthusiasm.

This is emblematic of a problem that is afflicting the California Democratic Party writ large. The “Administration” devotes more energy to excluding and silencing Democrats that they want to stifle than letting them productively participate. Generally speaking, it’s better to discover and address problems and deficiencies earlier in the process in open meetings with robust, but focused debate than it is to hatch controversial new plans in conclaves, while intentionally excluding critics.

If 75 percent of the ADEM elections had been won by single candidates, there would be alarm sounded about how “democratic” State Democratic Party “Soviet style” elections really are. It should alarm Contra Costa County’s 370,000 registered Democrats that their four representatives to the State Party Executive Board include two candidates who were essentially self-appointed and two candidates who really didn’t want the positions, but ended up taking them through some strange Venn diagram process-of-elimination, due to a new election procedure that was neither well thought out when designed, nor well understood when implemented.

Moreover, there are major transparency problems with how the CDP conducts E-board meetings. It’s virtually impossible for rank-and-file Democrats to determine (1) whether or not their CDP E-board representatives actually attended E-board meetings, (2) if they did not, who their alternate was who was in attendance, and (3) how their E-board representatives voted at E-board meetings. Try finding out how individual E-board members voted in the controversial Democratic National Committee elections in 2016 or 2020. It’s very difficult to discover.

But one suspects that the CDP could care less what the millions of registered Democrats across the state actually think. The prevailing CDP mentality appears to be this: the less that rank-and-file Democrats know about the CDP and how it actually operates, the better.

Respectfully submitted,

/s/ JASON A. BEZIS (AD16)

Petitioner; registered Democrat in Contra Costa County

**APPEAL**



## **CRC APPEAL 10/17/2022**

There was no response opposing the challenge I submitted on April 3<sup>rd</sup>, 2021, sent to me as required under the Rules. Also, the CRC had already accepted my challenge as timely and acted according to the procedural rules.

“J. Subsequent filings after the seventh (7th) day after the alleged violation occurred pertaining to a timely filed challenge, may be heard and relied upon by the CRC, in its discretion, upon a finding of good cause, including, but not limited to, such things as: the reason for the late filing, newly discovered evidence, or the best interests of the Party.”

The late filing was because of the CRC'S rules making it clear that exhausting remedies and trying to work things out before filing a challenge had to be done first, taking precedence over the 7 Day filing deadline.

I believe the Regional Director Humberto Gonzales and the Chairperson Christian Romo, purposely did not respond to me, even though Mr. Gonzalez told me to email him and Christian prior to filing the challenge. The Challenge was delayed because they stymied my timely filing. I was exhausting all remedies prior to filing the challenge.

It is definitely in the interest of the party to make sure that members are not being stifled or silenced and the chairperson isn't violating bylaws and Robert's Rules of Order, impacting our ability to represent or be represented at the state level.

This Commission has apparently already made an exception and followed through with hearing the challenge and getting additional information as it says per CRC rules.

“L. **Upon a determination that the challenge is properly filed**, the CRC may set a deadline for submitting evidence in response to a challenge. Such a deadline shall generally be (twelve) 12 days after notification by the Secretary of This Committee to the challenged parties of the filing and service of the challenge, but shall not be less than five (5) days nor more than fifteen (15) days, after such notification.”

On May 14th 2021, the secretary of the committee, Unique Wilson, emailed the challenged parties giving them 12 days to answer. She then again reminded them on May 25<sup>th</sup> to submit responses, which again, I never received. And I believe this was showing a bias to the respondents as I never had received any reminders of when and where my challenge, appeal or any hearing would be held. Let alone another email reminder regarding my challenges. And speaking of timeliness, the commission finally heard my Challenge and gave me a decision almost 2 years later. I believe there was an issue there with timeliness as the commission should have heard the challenge sooner than October 5, 2022.

It is confusing that the commission requested responses from the challenged parties which says is done upon accepting the challenge as timely or an exception has been made.

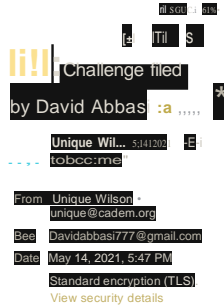
In any event, it is of the utmost importance that this commission show it is truly interested in fairness, not having members be discriminated against for any reason or retaliated against, letting chairpersons violate bylaws, Robert's Rules of Order, and literally silencing members in Zoom meetings or allowing members to be cussed out and berated like Christian did in the Zoom meeting March 23<sup>rd</sup>, 2021. If you do not use your discretion to hear this challenge, then it is clear where this commission stands as far as legitimacy goes.

Please see exhibit A attached. Emails from Secretary of this Committee to challenged parties per rules stating "L. **Upon a determination that the challenge is properly filed**,...

Sincerely,

David Abbasi

Democrat since age 10.



To all interested parties

The State Party has received a challenge filed by David Abbasi (attached) on April 3, 2021, relating to the actions of the Kern County Democratic Central Committee.

Please see the Abbasi Challenge attached.

As an interested party, you are welcome to submit any testimony/evidence to either support or refute this challenge/response. You can submit your written testimony by emailing it to me or the Compliance Review Commission at [unique@cadem.org](mailto:unique@cadem.org). Additionally, you may distribute the challenge to any other interested party for their consideration and testimony.

The State Party has a process for dealing with such challenges through our Compliance Review Commission, a six-member group made up of three members of our Rules Committee and three members of our Credentials Committee.

Compliance Review Commission, also known as CRC, can be found here: <http://www.cadem.org>.

The deadline to submit any testimony/evidence is 5 PM PST on Wednesday, May 26, 2021. As soon as the CRC has reviewed all submitted written testimony and evidence, they will deliberate and issue a written decision, which will be distributed to all interested parties.

For submissions to be valid, they need to follow the CRC's procedural rules, which you can find by clicking here: <https://icldcm.org>, our-pJrty/ corn pl iil 11ce- rev 1ew-cor....1r 11ss 1011

9:25 5G UC 63%

REMINDER - CRC:  
Challenge filed by

David Abbasi

Unique Wil... 5/29/2021  
to bcc: me

To all interested parties:

The State Party has received a challenge filed by David Abbasi (attached) on April 3, 2021, relating to the actions of the Kern County Democratic Central Committee.

Please see the Abbasi Challenge attached.

As an interested party, you are welcome to submit any testimony/evidence to either support or refute this challenge/response. You can submit your written testimony by emailing it to me or the Compliance Review Commission at [crc@cadem.org](mailto:crc@cadem.org). Additionally, you may distribute the challenge to any other interested party for their consideration and testimony.

The State Party has a process for dealing with such challenges through our Compliance Review Commission, a six-member group made up of three members of our Rules Committee and three members of our Credentials Committee. A fuller description of our Compliance Review Commission, also known as CRC, can be found here: <http://www.cadem.org/our-party/compliance-review-commission>

**The deadline to submit any testimony/evidence is 5 PM PST on Wednesday, May 26, 2021.** As soon as the CRC has reviewed all submitted written testimony and evidence, they will deliberate and issue a written decision, which will be distributed to all interested parties.

The CRC is scheduled to meet Wednesday, June 2, 2021 at 7:00PM. If you would like to listen in on the call, please use the link below to register. <https://myaccount.maestroconference.com/conference/register/0MRYHVZL4B34FK45>

For submissions to be valid, they need to follow the CRC's procedural rules, which you can find by clicking here: <https://cadem.org/our-party/compliance-review-commission>

Thanks,

# **CRC DECISION**

## MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: October 5, 2022

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

---

### **INTRODUCTION:**

On April 3, 2021 David Abbasi filed a challenge relating to the actions of the Kern County Democratic Central Committee (KCDCC). The challenge alleges that the Kern County DCC violated CDP Bylaws Article II, Section 4 and 7 on Membership and Notification of Appointment or Election and Section 9 on Removal from Membership. Mr. Abbasi claims that he is constantly ignored by the Kern County Chairperson Christian Romo since his previous CRC Challenge back in August 2020. He alleges that he was passed over for an open seat although he was the only runner-up. Mr. Abbasi further alleges that he was removed from the Central Committee on March 23, 2021 and was not provided a cause for removal. He also claims that his removal was a form of retaliation due to him going public about public corruption and just a personal vendetta.

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

CDP Staff received the following documents associated with the challenge:

1. Challenge submitted by Mr. Abbasi on April 3, 2021
2. Response opposing the challenge was submitted by the KCDCC members Ralph Burnette and Hortencia Cabral
3. There were no Responses supporting the challenge submitted

### **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 January 2021, unless otherwise indicated.)

The CRC did not find this challenge submission timely as it was submitted 11 days after the date of incident.

**STANDING:**

According to Article XII, Section 3:

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

Standing did not have to be reached as the challenge was not submitted timely.

**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 determined as timeliness was not found.

**FINDING, ORDER AND COMMENTS:**

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

1. The CRC denies the challenge for the lack of timeliness.
2. As the CRC has explained in many previous decisions, the CRC is not a general appellate body for county committees, which under state and federal law are separate legal entities from the CDP. While there are exceptions to this rule, in general, the CDP (through the CRC) will not intervene in the business of a county committee unless the actions being complained about directly affect the county committee’s representation on the CDP State Central Committee or Executive Board or, in the case of a county committee whose endorsements are deemed to be the CDP’s endorsements, directly affect 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 Credentials 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.

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

Tim Allison, Co-Chair, Credentials Committee

Kathy Bowler, Co-Lead Chair, Rules Committee

Nicole Fernandez, Co-Chair, Rules Committee

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

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

Keith Umemoto, Co-Chair, Credentials Committee

# **ORIGINAL COMPLAINT**

## **New CRC Challenge (March 30, 2021)**

The chairperson of the Kern County Democratic Central Committee, Christian Romo, has a history of ignoring me, taking adverse actions against me, and effectively nullifying my position on the committee.

First there was the CRC challenge from August 2020, where my motions were ignored along with bylaws and Roberts rules of order. Then when it came to the delegate position for the State Central Committee, I was passed up even though I was the only runner-up, and 3 seats became available. My emails regarding the delegate position were ignored. (See exhibits.) Now Christian removed me from the central committee on March 23<sup>rd</sup>, 2021 and has not provided any factual basis for it. There were no instances of any violations or any evidence presented yet I was voted off. **(The meeting was recorded, and the chair has not provided the requested copy.)**

### **Violations:**

**CDP Bylaws Section 4 of Article 2** "Membership". This affects my representation on the state committee as an elected delegate. My position was filled by others. This was also a violation of **Section 7**. I was not notified of the appointment of the election and it also did not adhere to the equal division rule as only five males were running for Central Committee delegate out of

18 candidates. Those five males should have been guaranteed positions. My emails to the chair regarding this were ignored. (See Exhibits)

**Section 9** "Removal from membership". There were no instances or evidence of any cause for removal provided. There was no mention of anyone complaining or who brought the complaint. Nothing in our bylaws justifies or excuses the actions taken here with regards to my position as State Delegate or removal from the Central Committee. To the contrary. KCDCC bylaws are clear that there must be some instance of a bylaw violation for removal and equally clear as to the appointment of delegates.

This is also retaliation, a violation of our bylaws and code of conduct. This retaliation is for Christian's employer's indictment, Kern County Supervisor Leticia Perez. I'm being blamed for it although it was in the news that the Smith's came forward about her taking bribe money from them. This is political retaliation for going public about public corruption and a personal vendetta.

<https://cadem.org/wp-content/uploads/2021/02/CDP-BYLAWS-2021-FINAL-Jan2021.pdf>

KCDCC by laws not available online. I created a link to what I had saved here:

<https://documentcloud.adobe.com/link/review?uri=urn:aaid:scds:US:533bc546-8f48-4a94-8deb-c01638d228f2#pageNum=1>

**Jurisdiction:**

This falls under the CRC's jurisdiction as we are a County Democratic Central Committee and under the **CRC rules Sec. (5)(A)** "Powers" The CRC has the authority to take such actions as are necessary to provide a fair and just remedy including but not limited to the holding of new elections. Under **CRC rules Sec. (5)(E)(2)** The CRC can penalize County Central Committees for violations based on "**1. A bylaw or other rule of This Committee that is binding on the County Central Committee, or, 2. Conduct by the County Central Committee that cannot be justified under its own reasonable construction of its bylaws or other duly promulgated and noticed internal rules.**"

**Remedy:**

I am asking the CRC to invalidate the previous vote for my removal and have the chair add me to the DSCC as a Central Committee Delegate, and deny representation of the County Central Committee at meetings of This Committee, it's executive board , and or its subordinate bodies per **CRC rules Sec. 5(F)**.

**Standing and Adverse Effect:**

I have standing as a member and these actions against me are adversely affecting my ability to represent my district and representation on the State level.

**Exhaustion of Remedies:**

Exhaustion of remedies is necessary before filing a challenge. I have appealed to the chairman and asked him to reconsider or reverse his decisions only to be ignored. (See exhibits.) I spoke with the Regional Director Humberto Gomez, and per his request emailed him and Christian to see if we could work these issues out prior to filing the challenge. The efforts and local remedies have been exhausted and are futile. (See Exhibits)

Sincerely,

David Abbasi

727 Kentucky Street #30021

Bakersfield, CA 93305

[Davidabbasi777@gmail.com](mailto:Davidabbasi777@gmail.com)

661-390-3102

**RECEIVE AND FILE**

## MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: October 5, 2022

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

---

### **INTRODUCTION:**

On April 20, 2020, Mr. Tomás Oliva submitted a challenge relating to the actions of the Imperial County Democratic Central Committee (ICDCC). The challenge alleges that the Committee failed to notify ICDCC members Juan Vargas, Ben Hueso, and Eduardo Garcia that a Committee meeting was scheduled for April 13<sup>th</sup> in which none of the proponents were able to participate in the vote to elect Delegates from the Committee to the DSCC and CDP Executive Board.

Mr. Oliva alleges that the April 13<sup>th</sup> meeting violated the following:

1. CDP By-Laws Article II, Section 4(b) Member Elected by County Central Committees
2. CDP By-Laws Article VII, Section 2(b)1 and 2 Executive Board – County Committee Representatives elected
3. CDP By-Laws Article XIII, Section 3 Notice of Agendas and Meetings

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

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

1. Challenge submitted by Mr. Oliva filed on April 20, 2020 and one supporting document.
  - a. Additional Information for Reference
2. Late testimony submitted by Annette Gonzalez-Buttner
3. Supplemental proof showing proof of notice as requested by the CRC and submitted by Annette Gonzalez-Buttner
4. ICDCC By-Laws

### **JURISDICTION:**

Article XII, Section 2b 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 XIII, Section 3 Notice of Agendas and Meetings.

#### **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 November 2018, unless otherwise indicated.)

The challenge filed by Mr. Oliva was submitted on April 20, 2020. The submission was within 7 days of the ICDCC meeting on April 13, 2020, thus the challenge was timely.

#### **STANDING:**

According to Article XII, Section 3:

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

Proponents of this challenge are/were members of the ICDCC, thus the CRC finds that they have standing as they were adversely affected.

#### **FINDINGS:**

After requesting and reviewing the challenge and supplemental evidence showing proof of notice, the CRC found that notice was given.

#### **ORDERS AND COMMENTS:**

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

The CRC denies all challenges as Tomás Oliva was not able to provide proof of a violation of either the ICDCC or any article of the California Democratic Party By-Laws.

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 6b, the filing of an appeal shall not stay any decision of the CRC. Parties may additionally respond in person, 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 6-0 vote of the members of the CRC,

Tim Allison, Co-Chair, Credentials Committee

Kathy Bowler, Co-Lead Chair, Rules Committee

Nicole Fernandez, Co-Chair, Rules Committee

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

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

Keith Umemoto, Co-Chair, Credentials Committee

## MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: October 5, 2022

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

---

### **INTRODUCTION:**

On April 20, 2020, Mr. Tomás Oliva submitted a challenge relating to the actions of the Imperial County Democratic Central Committee (ICDCC). The challenge alleges that the Committee made By-Law changes at its April 13, 2020 meeting, which violated the ICDCC by-Laws and removed both Tomás Oliva and Tony Tirado as Ex-Officio members of the ICDCC. Thus, depriving them of their right to vote as members.

Mr. Oliva alleges that the April 13<sup>th</sup> meeting violated the following:

1. CDP By-Laws Article II, Section 4(a) Member Elected by County Central Committees
2. CDP By-Laws Article VII, Section 2(b)1 and 2 Executive Board – County Committee Representatives Elected
3. CDP By-Laws Article XIII, Section 3 Notice of Agendas and Meetings

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

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

1. Challenge submitted by Mr. Oliva filed on April 20, 2020 and one supporting document.
  - a. Additional Information for Reference
2. Late testimony submitted by Annette Gonzalez-Buttner
3. ICDCC By-Laws

### **JURISDICTION:**

Article XII, Section 2b 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 XIII, Section 3 Notice of Agendas and Meetings.

**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 November 2018, unless otherwise indicated.)

The challenge filed by Mr. Oliva was submitted on April 20, 2020. The submission was within 7 days of the ICDCC meeting on April 13, 2020, thus the challenge was timely.

**STANDING:**

According to Article XII, Section 3:

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

Proponents of this challenge are/were members of the ICDCC, thus the CRC finds that they have standing as they were adversely affected.

**FINDINGS:**

After requesting and reviewing the challenge and supplemental evidence showing proof of notice, the CRC find that notice was given.

The action of the ICDCC and the changes made in their By-Laws are not the Jurisdiction of the CRC.

**ORDERS AND COMMENTS:**

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

The CRC denies all challenges as Tomás Oliva was not able to provide proof of a violation of either the ICDCC or any article of the California Democratic Party By-Laws.

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 6b, the filing of an appeal shall not stay any decision of the CRC. Parties may additionally respond in person, 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 6-0 vote of the members of the CRC,

Tim Allison, Co-Chair, Credentials Committee

Kathy Bowler, Co-Lead Chair, Rules Committee

Nicole Fernandez, Co-Chair, Rules Committee

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

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

Keith Umemoto, Co-Chair, Credentials Committee

## MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: October 5, 2022

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

---

### **INTRODUCTION:**

On May 3, 2020, Mr. Jason Bercovitch submitted a challenge relating to the actions of the San Diego County Democratic Party (SDCDP). The challenge alleges that the SDCDP violated the following: The challenge alleges that the Chair of the SDCDP, Will Rodriguez-Kennedy did not act in accordance with the SDCDP Bylaws and Policies and Procedures.” Mr. Bercovitch alleges that his removal as the North Area Caucus Vice Chair on March 5, 2020 was in direct violation of the SDCDP Bylaws when the matter was brought to the Central Committee on April 30, 2020 as the required two-thirds support in favor of his removal was not reached at the April 29<sup>th</sup> Executive Board committee meeting.

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

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

1. Challenge submitted by Mr. Bercovitch on May 3, 2020
2. Response opposing the challenge was submitted by the SDCDP Chair Will Rodriguez-Kennedy and a late response opposing the challenge submitted by Sara Kent (member of SDCDP).
3. Responses supporting the challenge submitted by Jana Johnson, Narima Lopes, Hugh Rothman, Sheri Sach and Sunny Escovedo (who are all members of the SDCDP)
4. SDCDP By-Laws

### **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 did not find jurisdiction in this challenge and Mr. Bercovitch did not provide a basis for jurisdiction in the challenge.

**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 November 2018, unless otherwise indicated.)

The challenge filed by Mr. Bercovitch was submitted on May 3, 2020. The submission was within 7 days of the DPCCC meeting April 30, 2020, thus the challenge was timely.

**STANDING:**

According to Article XII, Section 3:

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

Mr. Bercovitch is a member of the SDCDP, thus the CRC finds that he has standing as he was adversely affected.

**FINDINGS:**

Jurisdiction could not be found and the CRC could not discern any section of the CDP Bylaws to have been violated according to the challenge.

**ORDER AND COMMENT:**

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

1. The CRC denies the challenge as no jurisdiction was found.

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 6b, the filing of an appeal shall not stay any decision of the CRC. Parties may additionally respond in person, 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 6-0 vote of the members of the CRC,

Tim Allison, Co-Chair, Credentials Committee

Kathy Bowler, Co-Lead Chair, Rules Committee

Nicole Fernandez, Co-Chair, Rules Committee

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

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

Keith Umemoto, Co-Chair, Credentials Committee



## MEMORANDUM

TO: All Interested Parties

FROM: CDP Staff

DATE: October 5, 2022

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

---

### **INTRODUCTION:**

Brenda Crawford filed a challenge relating to the actions of the Solano County Democratic Central Committee (SCDCC). The challenge alleges that the SCDCC Parliamentarian, Lynette Henley sanctioned an unauthorized consent calendar during their monthly meeting held on August 26<sup>th</sup>, by reversing the results of the SCDCC endorsement vote from a special endorsement meeting held on August 22, 2020 violating CDP Bylaws Article, VIII, Section 4(c)3. Ms. Crawford further alleges that, Ms. Henley promoted and fostered a hostile environment, which is in violation of the CDP's Code of Conduct.

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

CDP Staff received the following documents associated with the challenge:

1. Challenge submitted by Ms. Crawford on September 1, 2020
2. Responses opposing the challenge were submitted by Corey Penrose, Morgan Hannigan, Lynette Henley and improperly submitted testimony Verneal Brumfield and Tiffany Jones
3. Responses supporting the challenge were submitted by Paula Bauer, Kari Birdseye, Kandi Bloomquist, Brenda Crawford, Susan George, Kathy Kerridge, Michelle Pellegrin, Karen Sims, Pat Toth-Smith and Steve Young

### **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. Crawford filed her challenge within 7 days of the August 26, 2020 incident, and thus, the challenge was timely.

**STANDING:**

According to Article XII, Section 3:

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

The challenger and the undersigned proponents are all elected and appointed members and allege that their right to participate was undermined by a faction of the SCDCC who did not like the outcome of the August 22<sup>nd</sup> special endorsement meeting.

**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 1, 2020 challenge by Ms. Crawford 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 as the allegations of the violation of the CDP Bylaws Code of Conduct are not in the purview of the CRC.
- 3) In addition to the Code of Conduct violation allegations, the Endorsement of the SCDCC 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.
- 4) The CRC notes that the purpose of the CRC is not to referee internal political disputes, which should be dealt with using processes outlined by the SCDCC Bylaws

- 5) The CRC notes that the challenge to the CRC should be made on substantive procedural or bylaw violations and not because a certain, desired outcome wasn't achieved
- 6) The CRC finds disturbing the allegations of inappropriate behavior by the body and encourages all members to act in a courteous and respectful manner in accordance with our core democratic values and hopes and expects people to conduct themselves appropriately at all Democratic Party meetings.

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

## MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: October 5, 2022

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

---

### INTRODUCTION:

On June 23, 2021, Ruth Musser-Lopez filed a challenge including an erratum to the challenge relating to the actions of the Tulare County Democratic Central Committee (TCDCC) on June 17, 2021. The challenge alleged that, when filling two regular member vacancies, the TCDCC violated Article II, Section 13 of its Bylaws by incorrectly disqualifying two alternates (Angelica Velazquez and Beverly Perez-Alvarez) from nomination and depriving them of the opportunity to engage in the election as nominees. The challenger claims that TCDCC Chair, Suzanna Aguilera-Marrero's decision to postpone the May 20<sup>th</sup> regular meeting to May 27<sup>th</sup> and to exclude the election from the meeting's agenda suppressed attendance. The challenger alleges that Alberto Aguilar, TCDCC Bylaws Chair, waived the bylaw requirement (Article II, Section 13) that elections are to be held "at the next regular meeting after the meeting during which nominations for vacancies take place" on the grounds of past practices. Challenger claims that nominations were taken and elections were held during the rescheduled May 27<sup>th</sup> meeting. Further claiming that the Chair wrongfully disqualified two appointed alternates, Angelica Velazquez and Beverly Perez-Alvarez, who had previously expressed interest in self nominating for the position. Challenger claims that both alternates were disqualified as they would have to withdraw their appointments in order to accept a position, per Region 9 Regional Director Diana Love and Alberto Aguilar. Challenger alleges that her June 17<sup>th</sup> motion to invalidate the May 27<sup>th</sup> election was overruled by the Chair, who silenced her point of order by muting her and later disconnecting her from the Zoom meeting.

The Challenger requests that the CRC finds that: 1. A violation of TCDCC's bylaws occurred in holding an election at the same meeting the nominations took place. 2. The TCDCC failed to notify members of an election. And 3. That Alternates were wrongfully denied the right to be nominated and run for a committee membership position without first resigning their Alternate positions.

The challenger calls for the:

1. Admonishment of Suzanna Aguilera-Marrero in Her capacity as TCDCC Chair for holding an unlawful election in violation of the TCDCC Bylaws
2. Admonishment of Diana Love in her capacity of Region 9 Director, for consenting and not objecting to the wrong interpretation of nominations

3. Admonishment of Alberto Aguilar in his capacity of TCDCC bylaws Chair and Susanna Gundy in her capacity of TCDCC Member At Large for not upholding the TCDCC bylaws
4. Lastly, the Challenger requests the nullification of the May 27, 2021 election, because her request at the June 17, 2021 meeting was overruled by SAM, the TCDCC Chair.

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

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

1. Challenge submitted by Ruth Musser-Lopez on June 21, 2021. Includes Exhibits 1-7.
2. Memorandum of Erratum by challenger Ruth-Musser-Lopez dated June 27, 2021
3. Response opposing the challenge submitted Diana Love, Regional Director (Region 9), Suzanna Aguilera-Marrero, Chair of the (TCDCC), and Alberto Aguilar, Edith La Vonne and Brock Neeley,
4. 5. Testimony supporting the challenge submitted by Alex Gutierrez, TCDCC Secretary and Angelica Velazquez

#### **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 January 2021, unless otherwise indicated.)

Ms. Musser-Lopez submitted a challenge on June 21, 2021 for an incident that took place on June 17, 2021. The submission was within 7 days of the TCDCC meeting on June 17, 2021, thus the challenge was timely.

#### **STANDING:**

According to Article XII, Section 3:

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

Standing did not have to be reached as there was no jurisdiction found in this challenge.

#### **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 did not find jurisdiction in this challenge and the challenger did not provide a basis for jurisdiction in the challenge.

#### **FINDINGS:**

As noted above, the challenge submitted by Ms. Musser-Lopez failed to provide any basis for jurisdiction and the CRC could not discern any section of the CDP bylaws to have been violated according to the challenge.

However, the CRC would like to note that there was no mention of a violation against the CDP Bylaws in the 5 page challenge submission, but a violation of the CDP Bylaws Article XII, Section 2a (Jurisdiction) of the CRC and Conduct Commission was noted in a cover letter submitted with the Challenge. Claiming; that two individuals were wrongfully elected to the TCDCC on May 27, 2021 at an unlawful election. Further claiming jurisdiction under CDP Bylaws Article X, Section 3a covering Charters. Explaining CDP’s right to deny or revoke charters of any organization for cause by majority vote.

1. As to the Challenger’s claim that the TCDCC violated CDP Bylaws Article XII (Compliance Review and Conduct Commission). This article merely establishes the CRC and says that the CRC has jurisdiction over all Bylaws, except those directly related to the Conduct Commission. Citing this clause does not discern jurisdiction for a challenge submission.

2. As to the Challenger’s claim the TCDCC violated Article X, Section 3a covering Charters. CRC notes that this section is completely inapplicable to Central Committees as they are not Chartered Organizations but are separate legal entities.

As the CRC has explained in many previous decisions, the CRC is not a general appellate body for county committees, which under state and federal law are separate legal entities from the CDP. While there are exceptions to this rule, in general, the CDP (through the CRC) will not intervene in the business of a county committee unless the actions being complained about directly affect the county committee’s representation on the CDP State Central Committee or Executive Board or, in the case of a county committee whose endorsements are deemed to be the CDP’s endorsements, directly affect the endorsement process. The most common exception to the rule in the previous paragraph is where the actions complained about seriously violate Article XIII (Notice). In this case, while

complaints were submitted regarding the postponement; it appears that the postponement was properly noticed. The evidence is clear that the postponement was justified and the new date was properly noticed.

**ORDER:**

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

- 1) The CRC denies the challenge as no jurisdiction was found.

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

Kathy Bowler, Co-Lead Chair, Rules Committee

Nicole Fernandez, Co-Chair, Rules Committee

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

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

## 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 27<sup>th</sup> 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

## MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: October 5, 2022

RE: **COMPLIANCE REVIEW COMMISSION (CRC) DECISION RELATING TO A  
CHALLENGE FILED BY RUTH LUEVANOS AND RL MILLER**

---

### **INTRODUCTION:**

On July 11, 2021 Ruth Luevanos and RL Miller filed a challenge related to the action of Melissa DeMarco, former chair of the Ventura County Democratic Central Committee (VCDCC); Diana Sparagna, acting VCDCC chair; and Shawn Terris, who was said to have won the election to the CDP EBoard declared by Chair DeMarco and Sparagna. The challenge alleges that Chair Demarco, unilaterally overturned an election, then fired the Parliamentarian in response to the advice to not act unilaterally. After Chair Demarco resigned on July 13<sup>th</sup>, the First Vice-Chair Sparagna assumed the title of the Chair and upheld the decision to overturn the election. The Challengers claim that Chair Demarco violated Robert's Rules of Order and CDP Bylaws Article VII due to the election to seat a DCC member to the CDP Eboard. The challengers claim that both Shawn Terris and Ruth Luevanos were both nominated to fill the vacancy of the EBoard at the June 22, 2021 regularly scheduled meeting via zoom. Claiming the vote produced via the google form and voice votes totaled 29 for Luevanos and 26 for Terris with 2 abstentions. Discrepancies of the count were later discovered. Followed by an email on June 28, 2021 from Chair Demarco, stating that a complaint was made by Shawn Terris claiming victory as the count should have been 29 for Terris-25 Luevanos – and 1 Abstention. The Chair supported the findings and announced the position effective immediately. The Challengers believe the corrected tally should have been 26 for Luevanos and 24 for Terris with 1 Abstention. The challengers are requesting to unseat Shawn Terris and to seat Ruth Luevanos.

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

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

1. Challenge submitted by Ruth Luevanos and RL Miller on July 11, 2021
2. Response opposing the challenge submitted by Respondent Diana Sparagna, acting Chair of VCDCC (including Exhibits 1-5) and Shawn Terris. (with 1 Exhibit)
3. No responses supporting the challenge were submitted

**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 January 2021, unless otherwise indicated.)

Challengers Luevanos and Miller originally submitted a challenge on July 5, 2021 relating to an incident that took place on June 28, 2021. On July 6, 2021 CDP Staff requested that the Challengers resubmit their challenge within 5 days in proper format as it did not adhere to the challenge submission requirements. On July 11<sup>th</sup>, CDP Staff received their updated challenge.

The Challengers filed their original challenge within 7 days of the June 28, 2021 incident, and thus, the challenge was timely.

**STANDING:**

According to Article XII, Section 3:

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

Challenger Ruth Luevanos is a member of the VCDCC, thus the CRC finds that the joint filing has standing as Ms. Luevanos was adversely affected.

**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 finds jurisdiction under Article II (Membership), specifically Section 4. Members Elected by County Central Committees as it relates to the selection process of a Delegate to Democratic State Central Committee.

#### **FINDINGS:**

The CRC finds that the evidence is clear that the VCDCC made a good faith effort to run the meeting in a clean way, but there was some confusion on what was considered a valid vote. The CRC considered the disputes on both sides. Finding that due to the nature of technology, like the Zoom meeting features and the Google Form, raised many questions on what votes would be accepted. Attempting to confirm who voted through the chat vs. the google form or verbally.

In review of all the evidence, the CRC did not find any ill intent but acknowledged the great deal of confusion on the status of votes.

#### **ORDER AND RECOMMENDATIONS:**

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

1. The CRC rejects and grant the appeal in part.
2. The CRC recommends that the VCDCC hold a new election from among the two candidates that were in the contested election at a time that takes place after the Central Committee has elected a new slate of Officers. Further recommending that the Central Committee arrange to have the election meeting presided over by a third party not associated with eh VCDCC. If this process is not able to take place prior to the CDP deadline for the August 2021 EBoard, then Shawn Terris will be the EBoard Representative for this slot for the upcoming CDP August Executive Board Meeting.

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 Credentials 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

Kathy Bowler, Co-Lead Chair, Rules Committee

Nicole Fernandez, Co-Chair, Rules Committee

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

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

## 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 ALEX GUTIERREZ**

---

### INTRODUCTION:

On July 21, 2021, Mr. Alex Gutierrez submitted a challenge relating to the actions of the Tulare County Democratic Central Committee (TCDCC). The Challenge alleges the following, which Mr. Gutierrez submits constitutes conduct warranting CRC intervention:

1. During the July 15, 2021 regular meeting, acting Chair Arturo Rodriguez and Parliamentarian Brock Neeley upheld a “personal point of privilege” and conducted a closed session to review charges against Mr. Gutierrez without proper notice or the accused party being present. The discussion of the charges was conducted in July despite the fact that a meeting to hear the charges against Mr. Gutierrez had previously been scheduled for August and Mr. Gutierrez had planned to attend that meeting and defend himself against the charges at that time.
2. During the closed session, nonmembers were removed from the meeting to the Zoom waiting room. Mr. Gutierrez alleges that allowing this exclusion over the objections of some members in attendance exhibits bias.

Mr. Gutierrez is requesting the following:

1. CRC finds the July 15, 2021 secret meeting of TCDCC unlawful, irregular and, or prohibited on the following grounds:
  - a. Secret meetings and voting are in violation of CADEM Bylaws:
  - b. Failure to notify all members of written allegations being circulated by the Officers against one of the members violates the CADEM Bylaws concerning notice.
  - c. Failure to notify All members of written allegations being circulated by the Officers against one of the members in violation of the TCDCC Bylaws concerning notification.
  - d. This conduct is harassment in violation of the CADEM code of conduct adopted by the TCDCC.

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

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

Challenge submitted by Alex Gutierrez on June 21, 2021. Includes Exhibits 1-6.

**Exhibit 1** July 15, 2021 TCDCC Agenda

**Exhibit 2** Minutes of Regular July 15, 2021 TCDCC by acting Secretary Carmen Becerra draft

**Exhibit 3** Declaration from Ruth Musser-Lopez

**Exhibit 4** Minutes of Regular July 08, 2021 Executive Board Minutes draft

**Exhibit 5** Charges for Officer Removal from Brock Neeley, John Coffee and Edith LaVonne (5 pictures)

**Exhibit 6** Minutes of Regular March 18, 2021 TCDCC Vote of No Confidence on Chair SAM draft

## **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 January 2021, unless otherwise indicated.)

Mr. Gutierrez submitted a challenge on July 21, 2021 for an incident that took place on July 15, 2021. The submission was within 7 days of the TCDCC meeting on July 15, 2021, and, thus, the challenge was timely.

## **STANDING:**

According to Article XII, Section 3:

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

Standing did not have to be reached as there was no jurisdiction found in this challenge.



## **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.”

Mr. Gutierrez does not allege that any action was taken during the closed session, including any final action. Mr. Gutierrez does not explain any efforts to seek an explanation of the purpose of the closed session or to affect any remedy of any perceived violative conduct at a subsequent open meeting. This is an inherently fatal deficiency and not a mere failure to cite to an appropriate Bylaws provision in the objection documents and, thus, no opportunity to cure is warranted.

In such circumstances, while Mr. Gutierrez is correct that it is desirable for there not to be unnoticed closed session discussions, he has failed to allege that any action was taken in closed session that must have been taken, instead, in open session nor has he alleged that any action was taken without being noticed. Given this and the policy of limited intervention of the CDP (through the CRC) in the business of a county committee, the CRC did not find that the challenger met his burden of clearly identifying a basis for jurisdiction over the challenge.

## **FINDINGS:**

As noted above, the challenge submitted by Mr. Gutierrez failed to provide any basis for jurisdiction and the CRC could not discern any section of the CDP bylaws to have been violated according to the challenge.

As the CRC has explained in many previous decisions, the CRC is not a general appellate body for county committees, which under state and federal law are separate legal entities from the CDP. While there are exceptions to this rule, in general, the CDP (through the CRC) will not intervene in the business of a county committee unless the actions being complained about directly affect the county committee’s representation on the CDP State Central Committee or Executive Board or, in the case of a county committee whose endorsements are deemed to be the CDP’s endorsements, directly affect the endorsement process.

**ORDER:**

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

The CRC denies the challenge and has voted to dismiss due to the lack of jurisdiction.

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 Rules 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

## 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 RUTH MUSSER-LOPEZ**

---

### INTRODUCTION:

On August 25, 2021, Ms. Ruth Musser-Lopez filed a challenge relating to the Tulare County Democratic Central Committee (TCDCC) for acting in a manner detrimental to the party. The challenge named Suzanna Aguilera-Marrero (SAM), in her capacity of Chair of TCDCC, Brock Neeley in his capacity of TCDCC Parliamentarian and Susanne Gundy in her capacity of TCDCC, Member at large. The challenger alleges that, on August 18, 2021 the above parties acted on a proposed bylaw amendment to change the procedures for designating Assembly District Representatives from Chartered Clubs and Organizations in the pre-endorsement phase of the California Democratic Party's endorsement process.

Ms. Musser-Lopez claims that Chair SAM violated the TCDCC bylaws by failing to allow for debate of the proposed amendment in violation of Robert's Rules of Order. In particular, Ms. Musser-Lopez contends that she was prohibited from testifying. Ms. Musser-Lopez further alleges that the statements of Mr. Neeley in support of the proposed bylaws change were misleading, and that Ms. Gundy violated CDP Code of Conduct by calling TCDCC Secretary Alex Gutierrez an asshole after he voted "No" against the proposal.

The Challenger requests that the CRC:

1. Admonish the above-named participants in the TCDCC meeting for their role in acting detrimental to the interest of the California Democratic Party.
2. Encourage the TCDCC Chair to notify TCDCC chartered Clubs of their right and privilege to elect Club Representatives to participate in the CDP pre-endorsement process and to provide clubs with a copy of the procedures laid out in the CDP Bylaws.

### DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

Challenge submitted by Ruth Musser-Lopez on August 25, 2021.  
Exhibit A – Proposed Bylaw change

### 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 January 2021, unless otherwise indicated.)

Ms. Musser-Lopez submitted a challenge on August 25, 2021 for an incident that took place on August 18, 2021. The submission was within 7 days of the TCDCC meeting on August 18, 2021, and thus the challenge was timely.

#### **STANDING:**

According to Article XII, Section 3:

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

Although it noted that the basis for the claim of standing was not clear, the CRC did not reach the issue of standing in as much as it found that it lacked jurisdiction over the challenge.

#### **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.”

Inasmuch as the proposed bylaws amendment failed and there was no allegation that it was enforced despite having failed, the challenger did not provide a basis for jurisdiction in the challenge and the CRC cannot discern one. This is an inherently fatal deficiency and not merely a formal defect in the challenge document. Accordingly, no opportunity to cure is warranted.

**FINDINGS:**

As noted above, the challenge submitted by Ms. Musser-Lopez failed to provide any basis for jurisdiction and the CRC could not discern one.

As the CRC has explained in many previous decisions, the CRC is not a general appellate body for county committees, which under state and federal law are separate legal entities from the CDP. Moreover, as a general rule, it is not the business of the CDP or the CRC to police the statements of participants in a debate, particularly the debate of a county committee.

**ORDER:**

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

The CRC denies the challenge and it is hereby dismissed due to the lack of jurisdiction.

Inasmuch as Ms. Musser-Lopez has been found to have filed, in the previous four years, a series of at least three frivolous or vexatious claims, her claims are hereby deemed subject to Section 5.D.5 of the Procedural rules, which allow the dismissal, without seeking testimony from the challenged parties, of any challenge determined not to have a likelihood of success filed by a proponent who has failed to prevail.

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 Rules 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

## MEMORANDUM

TO: All Interested Parties

FROM: CDP Staff

DATE: October 28, 2022

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

---

### **INTRODUCTION:**

Ms. Cynthia Homen filed a challenge relating to the actions of the Stanislaus County Democratic Central Committee (SCDCC) on August 30, 2022. The challenger appeals the decision of the SCDCC decision to not endorse her in her bid for re-election to the Patterson City Council, even though her opponent was Republican. She claims her endorsement was derailed by her August 22, 2022 endorsement interview statement about a scandal regarding the Mayor of Patterson in October of 2021. She also alleged that she was asked about her arrest in June of 2019 but was unable to discuss the alleged misdemeanor on the advice of her attorney because the matter was under review in the courts and that Co-Chair, Marjorie Sturdy told her that her answer was unacceptable.

Ms. Homen does not feel like she was treated fairly and was not asked the same questions as the other candidates. She is requesting an endorsement from the Stanislaus County Democratic Central Committee.

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

CDP Staff received the following documents associated with the challenge:

Challenge submitted by Ms. Homen on August 30, 2022 with Exhibits

### **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. Homen submitted a challenge August 25, 2022 relating to an incident that took place on August 22, 2022. On August 29, 2022 CDP Staff requested that the Challenger resubmit their challenge within 5 days in proper format as it did not adhere to the challenge submission requirements. On August 30th, CDP Staff received their updated challenge.

The Challenger filed the original challenge within 7 days of the August 22, 2022 incident, and thus, the challenge was timely.

**STANDING:**

According to Article XII, Section 3:

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

Standing did not have to be reached as there was no jurisdiction found over this challenge.

**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 challenge did not allege any violation of the CDP Bylaws or the Bylaws of the SCDCC, and the facts alleged do not suggest that there is or could be one as the only objections relate to dissatisfaction with the interview process and its result. This is an inherently fatal deficiency and not a mere formal deficiency in the procedural document. As a result, no opportunity to cure is warranted. In these circumstances, the challenger did not provide a basis for jurisdiction in the challenge nor did the CRC discern one.

**FINDINGS AND ORDER:**



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

The CRC finds Ms. Homen's challenge failed to provide any basis for jurisdiction and the CRC could not discern any section of the CDP bylaws to have been violated by the conduct at issue in the challenge.

The CRC denies the challenge and hereby dismisses it due to the lack of jurisdiction.

The CRC notes that the purpose of the CRC is not to referee internal political disputes, which should be dealt with using processes outlined by the SCDCC Bylaws. As the CRC has explained in many previous decisions, the CRC is not a general appellate body for county committees, which under state and federal law are separate legal entities from the CDP. For this reason, the CRC notes that the challenge to the CRC should be made on substantive procedural or bylaw violations and not because a certain, desired outcome wasn't achieved

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 Rules 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

## 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**

---

### 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

## 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 KEV ABAZAJIAN**

---

### **INTRODUCTION:**

On May 3, 2022, Kev Abazajian, Araz Parseghian and Armond Aghakhanian submitted a challenge relating to the actions of the Democratic Party of Orange County (DPOC). The Challenge alleges that the DPOC Resolutions Committee violated Article XIII, Section 1 of the CDP Bylaws relating to the open meeting rule at their May 2, 2022 meeting. The challengers claim that each of the following sponsors of the resolution -- Araz Parseghian, Armond Aghakhanian and Nishan Dulgerian -- were not allowed to attend the May 2nd meeting held on Zoom nor to testify in support thereof. They were instead prompted with the question, "are you a registered Democrat" while in the waiting room. They were unable to respond due to the limited functions.

Mr. Abazajian, an associate member of the DPOC further claims that he attempted to remedy the issue with a point of order, but was not recognized by the Resolutions Committee Chair, Ken Wyant.

The challengers are requesting the DPOC to reschedule the Resolutions Committee meeting as soon as possible, while following the open meeting rule.

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

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

Challenge submitted by Kev Abazajian on May 3, 2022.

Exhibit 1 Screenshot of Waiting Room Chat Question

Exhibit 2 Resolutions Committee Agenda

Exhibit 3 Resolution

### **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.)

Mr. Abazajian submitted a challenge on May 3, 2022, for an incident that took place on May 2, 2022. The submission was within 7 days of the DPOC meeting on May 2, 2022, and, thus, the challenge was timely.

**STANDING:**

According to Article XII, Section 3:

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

Inasmuch as the challenger failed to prove that remedies within the County Committee were exhausted and the CRC found that there is no jurisdiction of one of the alleged violations, the CRC did not find it necessary to address the issue of 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.”

The challenge alleges two violations. The first is that the DPOC violated the open meetings rule in Article XIII, Section 1 of the CDP Bylaws, which states,

*Section 1. PUBLIC MEETINGS*

*All public meetings at all levels of the Democratic Party shall be open to all members of the Democratic Party regardless of race, color, creed, national origin, sex, age, religion, caste, ethnic identity, sexual orientation, gender identity, persons with disabilities as defined by the Americans with Disabilities Act of 1990 or economic status. Further, the scheduling and location of public meetings and other public affairs of the Democratic Party at all levels must take into account the ability to fully and fairly participate with reasonable accommodations, where appropriate, of persons with disabilities as defined in the Americans with Disabilities Act of 1990. The scheduling and location of such public meetings and other public affairs must also take into account the ability to fully and fairly participate with reasonable accommodations, where appropriate, of any religious minorities of significant numbers of concentration whose level of participation would be affected*

This facially raises a basis for jurisdiction, but also raises complex issues of whether the CRC should assert jurisdiction over violations of the CDP Bylaws that don’t directly affect the County Committee’s representation on the CDP State Central Committee or Executive Board or, in the case of a County Committee whose endorsements are deemed to be the CDP’s endorsements, directly affect the endorsement process. Because the challengers failed to prove that they exhausted their remedies within the County Committee, the CRC declined to resolve the question of jurisdiction with respect to this alleged violation.

The second alleged violation has to do with the deprivation by the DPOC of the sponsors of the opportunity to address the Resolutions Committee. The challengers cite no basis for jurisdiction over this allegation and the CRC could discern none. Accordingly, the CRC finds no jurisdiction over this allegation.

**Exhaustion of Remedies**

Under Section 3.C of the CRC Procedural Rules, a challenger challenging the action of a County Committee must exhaust local remedies. It provides,

*C. Subordinate bodies must be allowed to carry out their functions without undue interference and be given an opportunity to correct their own errors. Accordingly,*



*Proponent(s) of a challenge must indicate what local remedies they understand are available and that they have either exhausted those local remedies, or can demonstrate that they are inadequate or futile. In evaluating whether a claim is properly before it, the CRC must determine that the Proponents of a challenge have exhausted all local remedies, (e.g., Appealing the Ruling of the Chair), where remedies exist and are appropriate, unless the CRC further determines that:*

*1. Based on the evidence presented, such remedies are inadequate, or*

*2. Requiring Exhaustion of Remedies would be:*

*a. Unduly burdensome,*

*b. Prejudicial, or cause unwarranted delay,*

*c. Futile, and/or*

*d. Counter to the interests of justice.*

It appears from the investigatory record that no effort was made to raise these issues before the entire County Committee and that the effort to raise the issue in the Resolutions Committee only related to the failure to allow the sponsors of the resolution to speak, a matter over which the CRC has no jurisdiction. Given that it is the challenger's burden of proving that local remedies were exhausted or excused, the CRC finds that the challenger failed to meet its burden and finds that local remedies were not exhausted.

## **FINDINGS:**

As noted above, Mr. Abazajian failed to demonstrate jurisdiction of one the alleged violations and failed to prove that local remedies as to the other alleged violation were exhausted and, as a result, the challenge should be, and hereby is, dismissed.

Notwithstanding the dismissal of the challenge, the CRC notes that the DPOC appears to have deprived registered Democrats of the opportunity to attend a meeting of the DPOC's Resolutions Committee. This failure deprived registered Democrats of the right to observe the operations of our Party and to participate in its proceedings, including by attending its meetings. The openness of our Party and the transparency of its proceedings is a cornerstone of our Party's operating principles and is an indispensable ingredient in developing the trust that our Party seeks to establish with its voters. Failure to follow the rules related to open meetings is a serious matter. Given the gravity of the issue, the CRC calls upon the DPOC to review its operating procedures and to take concrete steps to assure that its meetings are open to all Democrats in accordance with Article XIII, Section 1 of the CDP Bylaws.

## **ORDER:**

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

The CRC denies the challenge and has voted to dismiss due to failure to exhaust local remedies.

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 Rules 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