

**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**

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**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 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**

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### **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.