

**CDP RULES PACKET**  
**May 26, 2023**

**California Democratic Party Rules Committee Agenda**  
**Friday, May 26, 2023 at 1:00pm**

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

- I. Roll Call
- II. Meeting Called to Order
- III. Adoption of Meeting Agenda p. 2-3
- IV. Subcommittee Reports p. 4-42
  - A. ADEMs Subcommittee
    - 1. Oral report from Subcommittee on ADEMs  
Chair: King, Members: Fernandez, Bowler, Jaycox, Souza, Torello and Woods
  - B. Caucuses Subcommittee p. 5-20
    - 1. Report from Subcommittee on Caucuses  
Chair: Zakson, Members: Alcala, Cardenas, Garcia, Lee, Schultz and Woods-Gray
  - C. Chartered Organization Subcommittee p. 21-23
    - 1. Report from Subcommittee on Chartered Organizations  
Chair: Fernandez, Members: Narayana, Glazer, Mojadedi, Souza and Shay
  - D. County Bylaws Subcommittee p. 24-38
    - 1. Report from Subcommittee on County Bylaws  
Chair: Torello, Members: Lee, Woods, Garcia, Alari, Kingsley, Glazer and Shay
  - E. Endorsements Subcommittee p. 39-42
    - 1. Report from Subcommittee on Endorsements  
Chair: Bowler, Members: Armstrong, Escutia, Glazer, King, Hernandez and Shay
  - F. Miscellaneous Items Subcommittee
    - 1. Oral report from Subcommittee on Misc. Items  
Chair: Hernandez, Members: Woods, Aguilera-Marrero, Gallotta, Phillips, Shay and Zakson
  - G. Officers, Elections, Duties, Etc. Subcommittee
    - 1. Oral report from Subcommittee on Officers, Elections, Duties, Etc.  
Chair: Phillips, Members: Alari, Bowler, Fernandez, Garcia, Mojadedi, Zakson
- V. Proposed Bylaws Amendments p. 43-48
  - A. Proposal by Christopher Duvali to amend Article XII: Compliance Review Commission p.45
  - B. Proposal by Christopher Duvali to amend Article III: Officers p. 45-46
  - C. Proposal by Garry Shay to amend Articles V and VIII p. 48
- VI. Compliance Review Commission (CRC) p. 49-168
  - A. Appeals to Rules
    - a. Los Angeles Democratic Party Challenge - Larry Agran p. 51-85
      - i. Appeal p.52-59
      - ii. CRC Decision p.61-64
      - iii. Original Complaint p.66-85

- b. Democratic Party of Contra Costa Challenge - Jason Bezis p. 86-126
    - i. Appeal p.87-107
    - ii. CRC Decision p.109-112
    - iii. Original Complaint p.114-126
  - c. Assembly District Election Meetings (ADEMs) - Amar Shergill p. 127-168
    - i. Appeal p.128-132
    - ii. CRC Decision p.134-143
    - iii. Original Complaint p.145-168
- B. Other Decisions - Receive and File p. 169-174
- a. Timothy Prince against San Bernardino County Democratic Central Committee

VII. New Business

VIII. Adjournment

# **SUBCOMMITTEE REPORTS**



# **SUBCOMMITTEE ON CAUCUSES REPORT**

MEMORANDUM

TO: Rules Committee, California Democratic Party

FROM: Laurence Zakson, Chair, Rules Committee Subcommittee on Caucuses (on behalf of the Subcommittee)

RE: Caucus Bylaws Amendments

DATE: May 15, 2023

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At the November 2022 Executive Board meeting, the Executive Board failed to adopt the Bylaws Amendments concerning Caucus recertification submitted by the Rules Committee. While this did not affect the recertification process that is already underway, it did leave the process without dates going forward.

Due to the press of other events, the Subcommittee has been unable to meet to revisit the Bylaws Amendments. Due to the fact that there is only one Executive Board meeting in 2023, the adoption of a new “calendar” for the certification process at this year’s Executive Board meeting is imperative. Accordingly, the previously submitted Bylaws Amendments are attached for reconsideration by the Rules Committee. Once a version thereof is adopted by the Rules Committee, the Bylaws Amendments can be submitted for review and possible adoption at this year’s Executive Board meeting.

RECOMMENDATION OF THE SUBCOMMITTEE ON CAUCUSES  
CDP RULES COMMITTEE CONCERNING AMENDMENTS TO  
BYLAWS ARTICLE XI. SPECIAL GROUP CAUCUSES  
(9/27/22)

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 may~~ 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; ~~a~~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, A~~ 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) within forty-five (45) days 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. in which the Caucus is intended to be recertified or initially certified. 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~~within five (5) business days of determination of receipt,~~ 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; Notice of Deficiencies – 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.~~

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~~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 Deficiencies Its Recommended Disposition of the Application by the Rules Committee – Absent agreement to the contrary by the Rules Committee, failure of the Rules Committee to give timely Nnotice of its recommendation concerning disposition of the application Deficiencies 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~~

~~e. 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. ~~may decertify a Caucus by majority vote.~~  
~~In the event the Rules Committee should make a finding of non-compliance with the Guidelines, it shall report a recommendation to de-certify the Caucus specifically noting the grounds and basis for its decision.~~ Such recommendation may only be overturned by the Executive Board of This Committee, by majority vote, but 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 African American~~, 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.



MEMORANDUM

TO: Rules Committee, California Democratic Party  
FROM: Laurence Zakson, Member, Rules Committee  
RE: Caucus Bylaws Amendments  
DATE: May 16, 2023

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By memorandum dated May 15, 2023, the Subcommittee on Caucuses resubmitted for further consideration the proposed Bylaws Amendments adopted by the Rules Committee in about October 2022, but which failed to pass at the November 2022 Executive Board meeting.

In my capacity as a member of the Rules Committee, I submit to the Committee for its consideration a variation on the October 2022 proposal. A copy of my submission is attached.

The submission varies from the proposed Bylaws Amendments previously adopted by the Rules Committee by removing any provisions that relate to periods before the August 2023 Executive Board meeting and by making some punctuation and small organizational changes to conform to those deletions.

I respectfully request that the Rules Committee consider this submission at the same time it takes up the proposed Bylaws Amendments.

RECOMMENDATION OF THE SUBCOMMITTEE ON CAUCUSES  
CDP RULES COMMITTEE CONCERNING AMENDMENTS TO  
BYLAWS ARTICLE XI. SPECIAL GROUP CAUCUSES  
(9/27/22)

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Section 1. DEFINITION

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- a. Which is a constituent part of This Committee, governed by its decisions, and ~~must may~~ 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; ~~a~~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

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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

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### Section 4. CERTIFICATION / RE-CERTIFICATION

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- 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, A~~ An 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) within forty-five (45) days~~ 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. in which the Caucus is intended to be recertified or initially certified. 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 ~~within five (5) business days of determination of receipt,~~ 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; Notice of Deficiencies — 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.~~

~~(1) Special Rules for Applications Submitted before the 2025 Regular Convention.~~

~~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.~~

~~(2) Rules for Applications In and After 2025~~

~~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 Deficiencies Its Recommended Disposition of the Application by the Rules Committee – Absent agreement to the contrary by the Rules Committee, failure of the Rules Committee to give timely Nnotice of its recommendation concerning disposition of the application Deficiencies 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. ~~may decertify a Caucus by majority vote.~~ ~~In the event the Rules Committee should make a finding of non-compliance with the Guidelines, it shall report a recommendation to de-certify the Caucus specifically noting the grounds and basis for its decision.~~ Such recommendation may only be overturned by the Executive Board of This Committee, by majority vote, but 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 African American~~, 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.



# **SUBCOMMITTEE ON CHARTERED ORGANIZATIONS REPORT**

## **Rules Subcommittee on Chartered Organizations Reports Summary**

**Per CDP Bylaws all Charters must submit an annual written report of their organization's activities and progress towards fulfillment of their organization's stated goals and purposes.** This progress should be evidenced through the objective measures or standards in which the organization established in the Statement of Purpose and Intended Activity submitted with your charter's application. Failure to submit will require that the Subcommittee on Chartered Organizations begin steps to revoke a charter.

### **STATEWIDE CHARTERED ORGANIZATIONS**

*CDC/CYD Exempt from annual reporting.*

#### **California Young Democrats (CYD)**

Statement of Purpose and Intended Activity do not sets forth objective measurable standards. They should have some sort of numbers attached to them. (e.g.-register 500 new voters; increase membership by 20%).

#### **California Democratic Council (CDC)**

Exempt.

#### **California Armenian American Democrats (CAAD)**

Annual Report submitted late, but complete. The Subcommittee Chair's recommendation is conditional acceptance predicated on receipt of a complete report before the next e-board meeting.

#### **Brownie Mary Democrats of California**

In good standing, application complete.

#### **Federation of Democratic Central Committee Members**

Annual Report not submitted.

#### **California Democratic Rental Council**

In good standing, application complete.

#### **Democrats for Israel California**

In good standing, application complete.

## **GEOGRAPHICALLY BASED CHARTERED ORGANIZATIONS**

Per CDP Bylaws and the Subcommittee on Chartered Organizations Guidelines, all Geographically Based Charters were automatically revoked thirty (30) days after the passage of any reapportionment law altering the boundaries of that organization's defined district boundary becomes final.

### **Expired and Due for Renewal**

10th AD Democrats

72nd Area Democratic Alliance

CD1 Alliance Action

## **NEW APPLICATION SUBMISSION**

### **Iranian American Democrats of California**

No issues found.

### **AD12 Democrats Club**

No issues found

# **SUBCOMMITTEE ON COUNTY BYLAWS REPORT**

Date

Re:

Dear County Chairs,

The California Democratic Party (CDP) Bylaws, state that a Democratic candidate for nonpartisan office who has been endorsed by their County Central Committee shall also be considered to be the endorsed candidate of the CDP provided that the endorsing provisions of the relevant County Central Committee Bylaws have been reviewed and approved by the CDP as consistent with its own Bylaws and with the fundamental rules of fairness.

In order to expedite endorsements for any submitted request for the general election, while being mindful of staff and committee time, we are setting forth a set of processes and deadlines that we want you to know about and have as much lead time as possible to act upon.

**If your Bylaws have already been approved by the CDP previously, and you have not made any changes to your Bylaws (and other governing documents such as Standing Rules and Code of Conduct) regarding candidate endorsements, member eligibility and voting, you will simply put in writing to attest to this fact and the date for your attestation. This attestation should be signed and dated by the Chair of your DSCC organization.**

**If your Bylaws are not currently approved:**

You may submit your Bylaws and applicable written governing documents (e.g., Standing Rules, Code of Conduct and Constitution) along with a completed checklist (attached) no later than \_\_\_\_\_ for review in order to be reviewed prior to the next Rules Committee meeting on \_\_\_\_\_. If your endorsement process of nonpartisan offices is approved by the CDP, then the endorsement of the Central Committee for nonpartisan offices may also become the official endorsement of the CDP for the November election.

**If your Bylaws are currently approved, but you have made impactful changes to your governing documents:**

Please submit your new Bylaws and relevant governing documents (e.g., Standing Rules, Code of Conduct), a summary of changes since approval (or with track changes), and the completed checklist (attached) no later than \_\_\_\_\_ in order to be reviewed prior to the next Rules Committee meeting on \_\_\_\_\_. If your endorsement process of nonpartisan offices is reapproved, the CDP endorsement could apply for the November election.

Once your material is received, we pledge to respond within 90 days of receipt. If you have any questions about this process, please contact CDP Staffer, Unique Wilson ([countybylaws@cadem.org](mailto:countybylaws@cadem.org)).

Democratically yours,

Robin Torello & Glenn Glazer  
Rules Subcommittee on County Bylaws

# CDP Rules Subcommittee on County Bylaws Central Committee Bylaws Review Form

Please be sure provide to the CDP Rules County Bylaws subcommittee your bylaws and governing documents, such as a separate constitution, procedures manual and/or standing rules. We ask that the County Central Committee complete the first portion of this check form to accompany your material:

**Name of County:**

**County Contact Information:**

**I. Review of County Bylaws for the County listed above:**

**A. The County Central Committee bylaws meet/does not meet the following requirements of CDP Bylaws - Article VIII, Section 4c, and Article II, Section 4 (see below).**

Article VIII, Section 4. Requirements of County Bylaws & Governing Documents for Approval of Endorsement Process: 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:

(1) A Democratic County Central Committee endorsement shall be extended only to registered Democrats.  
Yes: See County Governing Document Section \_\_\_\_\_  
No: See County Governing Document Section \_\_\_\_\_

(2) Endorsement shall not be given to more candidates than there are seats open for the office in question.  
Yes: See County Governing Document Section \_\_\_\_\_  
No: See County Governing Document Section \_\_\_\_\_

(3) All endorsements shall be made in accordance with the County Committee's duly adopted Bylaw provisions.  
Yes: See County Governing Document Section \_\_\_\_\_  
No: See County Governing Document Section \_\_\_\_\_

**B. The County Central Committee bylaws prohibit secret ballots as required by CDP bylaws (Article XIII, Section 9).**

Yes: See County Governing Document Section \_\_\_\_\_

No: See County Governing Document Section \_\_\_\_\_

**C. The County Central Committee bylaws contain a clear description of the candidate endorsement process.**

Yes: See County Governing Document Section \_\_\_\_\_

No: See County Governing Document Section \_\_\_\_\_

**D. The County Central Committee bylaws utilize a method of notification for candidate endorsement in a manner consistent with the policies of the CDP (CDP bylaws Article XIII, Sections 3,5,6,7 and 10).**

• **Section 3. Notice of Agendas and Meetings**

Yes: See County Governing Document Section \_\_\_\_\_

No: See County Governing Document Section \_\_\_\_\_

• **Section 5. Full Publication of Selection Procedures**

Yes: See County Governing Document Section \_\_\_\_\_

No: See County Governing Document Section \_\_\_\_\_

• **Section 6. Timely Publication of Selection Procedures**

Yes: See County Governing Document Section \_\_\_\_\_

No: See County Governing Document Section \_\_\_\_\_

• **Section 7. Timely Publication of Selection Qualifications**

Yes: See County Governing Document Section \_\_\_\_\_

No: See County Governing Document Section \_\_\_\_\_

• **Section 10. E-Mail Notice**

Yes: See County Governing Document Section \_\_\_\_\_

No: See County Governing Document Section \_\_\_\_\_

**E. The County Central Committee shall have bylaws provisions regarding the removal of DSCC delegates from the committee and the filling of vacancies.**

Yes: See County Governing Document Section \_\_\_\_\_

No: See County Governing Document Section \_\_\_\_\_

**F. The County Central Committee should be prohibited from endorsing candidates for county committees.**

Yes: See County Governing Document Section \_\_\_\_\_

No: See County Governing Document Section \_\_\_\_\_

**G. The County Central Committee bylaws shall include a definition of who is eligible to vote for endorsements and should be from members in good standing.**

Yes: See County Governing Document Section \_\_\_\_\_

No: See County Governing Document Section \_\_\_\_\_

**H. (1) The County Central Committee bylaws shall have a definition of its members and a process for electing members to the DSCC according to the formula of one per 10,000 Democrats in the county.**

Yes: See County Governing Document Section \_\_\_\_\_

No: See County Governing Document Section \_\_\_\_\_

**(2) Said DSCC members shall follow the equal division rule.**

Yes: See County Governing Document Section \_\_\_\_\_

No: See County Governing Document Section \_\_\_\_\_

**I. All County Central Committees shall have a Code of Conduct (possibly similar to the CDP version) containing procedures for handling complaints and disciplining members for violations of the Code.**

Yes: See County Governing Document \_\_\_\_\_

No: See County Governing Document \_\_\_\_\_



**Below for use by the CDP Rules Committee County Bylaws subcommittee:**

**The County has included any additional governing documents along with bylaws, such as a separate constitution, procedures manual or standing rules that shall be reviewed by the CDP. Select one of the following options:**

	During the review of the County Central Committee Bylaws, I have contacted the County Chair and determined that there are no additional governing documents that are necessary for this review (e.g., separate constitution or standing rules).
	During the review of the County Central Committee Bylaws, I have contacted the County Chair and obtained and reviewed additional governing documents and standing rules with the following comments:

**A. The County Central Committee bylaws are consistent with the CDP bylaws and with the fundamental rules of fairness to which the CDP is committed (Article VIII, Section 4,b, 1).**

Yes: This finding is based on (e.g., "discussion with County Chair") \_\_\_\_\_

No: This finding is based on (e.g., "discussion with County Chair") \_\_\_\_\_

**B. The County Central Committee bylaws do not contain any provisions that contradict each other or are otherwise inoperative or inappropriate.**

Yes: See County Governing Document Section \_\_\_\_\_

No: See County Governing Document Section \_\_\_\_\_

**Remarks on items above:**

Remarks on items above:
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"As the Rules Chair/Representative designated to review the Bylaws of the County Central Committee, I recommend that the Bylaws of the County Central Committee be considered at least minimally sufficient, as per the current CDP Bylaws and the Policy Statement of the Rules Committee of the California Democratic Party and the Open Meeting Rule so that the endorsement of the County Central Committee may become the official endorsement of the CDP."

<b>Bylaws subcommittee Member Name:</b>	
<b>Date:</b>	
<b>Bylaws subcommittee Peer Reviewer Name:</b>	
<b>Date:</b>	

"As the Rules Chair/Representative designated to review the Bylaws of the County Central Committee, I recommend that the Bylaws of the County Central Committee not be approved for the reasons noted in "Remarks" section noted above.

<b>Bylaws subcommittee Member Name:</b>	
<b>Date:</b>	
<b>Bylaws subcommittee Peer Reviewer Name:</b>	
<b>Date:</b>	

## **APPENDIX**

### **Article VIII, Section 4, A-B, NONPARTISAN OFFICES**

#### **a. County Party Exclusively Responsible:**

Endorsement of candidates for all local nonpartisan offices (defined here as all nonpartisan offices whose jurisdictions do not extend across county lines) shall be the exclusive responsibility of the relevant Democratic County Central Committee.

#### **b. Process for California Democratic Party Endorsement, Objection Process:**

A Democratic candidate for nonpartisan office who has been endorsed by their County Central Committee shall also be considered to be the endorsed candidate of the California Democratic Party and shall be entitled to such privileges and benefits as may be attached thereto provided that: (1) 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; and (2) A Democratic candidate who has been denied endorsement does not successfully argue before This Committee that there has been a significant violation of the endorsing provisions of the relevant County Central Committee when it rendered its endorsement. Any claim of by-laws violation must be filed with the State Party Chair within seven (7) days of County Committee endorsement. A 2/3 vote shall be necessary to uphold the violation claim.

#### **Article VIII, Section 4, C-I For Approval of County Bylaws Endorsement (see below):**

#### **c. Requirements of County Bylaws for Approval of Endorsement Process:**

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:

- (1) A Democratic County Central Committee endorsement shall be extended only to registered Democrats.
- (2) Endorsement shall not be given to more candidates than there are seats open for the office in question.
- (3) All endorsements shall be made in accordance with the County Committee's duly adopted By-Laws provisions.

(4) No vote on endorsement shall be taken by secret ballot.

**d. Prohibition on Endorsement Permissible:**

A County Central Committee's by-law may provide that the Committee shall not endorse candidates for any or all offices embraced by subsection (a) above, and/or may provide for a "No Endorsement" decision with respect to any or all such offices.

**e. Voting Rights:**

A County Central Committee's by-law may provide that voting rights with respect to its endorsements shall extend to Associate/Alternate Members and/or to all members of This Committee resident in the county.

**f. California Democratic Party Non-Partisan Endorsement Responsibility and Process:**

This Committee shall be responsible for endorsing candidates in any race for nonpartisan office not identified in subsection a. above. In the event an endorsed candidate of This Committee for any such race is not in any runoff which may occur, the Executive Board of This Committee, at its next regularly scheduled meeting after the Primary Election, may endorse any registered Democrat by a sixty percent (60%) vote of those present and voting. In the case of nonpartisan offices which are not statewide but embrace all or part of two or more counties, This Committee shall delegate its endorsing power to a specially organized body including Democratic County Central Committee members resident in the election district. It shall be the responsibility of the State Chair, in consultation with the relevant County Committee Chairs to determine the manner in which that delegated power is to be implemented (e.g., to determine the voting rights of Associate members of the relevant County Committees, whether and how endorsing votes may be weighted to take into account the distribution of the district population among the affected counties, etc.)

**g. Communication of Positions on Local Propositions:**

To the extent permissible, the position of a Democratic County Central Committee on a local proposition being put before the voters within its jurisdiction may be communicated in informational material distributed with the California Democratic Party's mailing permit so long as the following conditions obtain:

- (1) the County Committee position has been duly adopted in accordance with the Committee by-laws reviewed and approved by This Committee;
- (2) the material does not express the endorsement of a candidate for local nonpartisan office who is not also an endorsed candidate of the California

Democratic Party under subsection (b) above.

**h. Objection Process:**

The County Committee position shall be the position of This Committee unless an objection is filed with the State Party Chair which:

- (1) is signed by at least one-half of the members of This Committee resident in the relevant county, and
- (2) is submitted within five days of the adoption of the County Central Committee position.

**i. Expectations and Intentions:**

This Committee hopes and expects that every County Central Committee shall make every reasonable effort:

- (1) to see that at least one qualified, registered Democrat is a candidate for each local nonpartisan office within its endorsing jurisdiction;
- (2) to raise funds sufficient to provide significant support to endorsed candidates needing and wishing support;
- (3) to persuade Democrats running against endorsed candidates to withdraw from their races and to extend their support to those carrying the endorsement;
- (4) to protect the integrity of its endorsement power by precluding -- including through the use of legal process -- other entries from representing themselves as purveyors of an official Democratic Party endorsement.

**B. The County Central Committee Bylaws prohibit secret ballots as required by CDP Bylaws: Article XIII, Section 9 (see below):**

**Section 9. SECRET BALLOT AND VOTER'S RIGHT TO KNOW**

a. The Democratic Party is committed to: (1) the preservation of the right of the voter to a secret, secure, and counted ballot at the first determining step of the national delegate selection process, (2) the voter's right to know how their representatives have voted. b. Based upon Resolution of the DNC Rules Committee adopted on June 23, 1994 no vote by secret ballot may be taken at any meeting of any official Democratic Party body beyond the first determining step at which an individual Democrat expresses their personal and individual preference on an action that constitutes part of the delegate selection process for the Democratic National Convention. c. Based upon Article Nine, Section 12 of the Charter of the Democratic Party of the United States of America, which prohibits secret ballots as an infringement of the voter's right to know how their representatives have voted, except as noted herein above, no vote

by secret ballot shall be taken at any meeting of the California Democratic Party, its Assembly District Election Meetings, or its Caucuses. d. Any person who has been determined to have been elected on a secret ballot after 12/31/01, beyond the first determining step in the delegate selection process, or first level of participation in violation of these rules, shall be denied credentials by the Credentials Committee of This Committee and shall not be recognized or seated by This Committee at any meeting of This Committee, its Executive Board, its Assembly District Election Meetings, or its Caucuses.”

**C. The County Central Committee Bylaws are consistent with the CDP Bylaws and with the fundamental rules of fairness to which the CDP is committed (Article VIII, Section 4.b.(1))**

Process for California Democratic Party Endorsement, Objection Process:

A Democratic candidate for nonpartisan office who has been endorsed by their County Central Committee shall also be considered to be the endorsed candidate of the California Democratic Party and shall be entitled to such privileges and benefits as may be attached thereto provided that: (1) 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.

**E. The County Central Committee Bylaws utilize a method of notification for candidate endorsement in a manner consistent with the policies of the CDP Bylaws Article XIII, Sections 3, 5, 6, 7 and 10 (see below)**

**Section 3. NOTICE OF AGENDAS AND MEETINGS**

The time, place and agendas of all public meetings of the Democratic Party on all levels shall be publicized fully and in such manner as to assure timely notice to all interested persons. Such meetings must be held in places accessible to all Party members and large enough to accommodate all interested persons.

**Section 5. FULL PUBLICATION OF SELECTION PROCEDURES**

The Democratic Party shall publicize fully and in such a manner as to assure notice to all interested parties a full description of the legal and practical procedures for selection of Democratic Party Officers and representatives on all levels.

## **Section 6. TIMELY PUBLICATION OF SELECTION PROCEDURES**

Publication of these procedures shall be done in such fashion that all prospective and current members of the State Democratic Party will be fully and adequately informed of the pertinent procedures in time to participate in each selection procedure at all levels of the Democratic Party Organization.

## **Section 7. TIMELY PUBLICATION OF SELECTION QUALIFICATIONS**

The Democratic Party shall publicize fully and in such a manner as to assure notice to all interested parties a complete description of the legal and practical qualifications of all officers and representatives of the State Democratic Party. Such publication shall be done in timely fashion so that all prospective candidates or applicants for any elected or appointed position within the State Democratic Party will have full and adequate opportunity to compete for office.

## **Section 10. E-MAIL NOTICE**

a. Publication of any Democratic Party notice via email will be considered valid if:

- (1) The sender and receiver have both consented, in writing, to sending and receiving notice in this manner,
- (2) The notice was sent to or from the email address specified when giving consent, or most recent email address specified on a subsequent notice of 74 change of address by sender or receiver,
- (3) The obligation to inform and procedure for informing of any change in email address has been specified in writing, and
- (4) There is an opportunity to opt out of such consent at an appropriate time.

## **Article VII, Section 2, b., 1-3**

### **b. County Committee representatives elected as follows:**

(1) One County Committee representative shall be elected for each 100,000 registered Democrats or portion thereof resident in the county. (2) 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. Only Democratic State Central Committee Members who hold their membership by virtue of Article II, Section 4 shall be eligible for such election. (3) County Committee representatives shall be divided as equally as possible between the

genders as described in Article II, Section 3, Subsection e, in 39 accordance with the Equal Division rule.

**Article II, Section 4. MEMBERS ELECTED BY COUNTY CENTRAL COMMITTEES (a-f)**

a. Each County Central Committee of the Party shall elect, from its own members as defined by its by-laws, representatives who shall serve at the pleasure of the County Central Committee to This Committee as follows: four members as base representation, plus one member for each 10,000 registered Democrats or fraction thereof.

b. The number of registered Democrats shall be as of the most recent report of registration to the Secretary of State. The Secretary of This Committee shall secure the registration totals received by the Secretary of State seven days prior to the General Election, and shall forthwith notify the respective County and District Committees of the Party registrations and the allocation of members to be elected under provisions of the Elections Code.

c. Elections shall be held by January 31 following the regular general statewide election. Those committees that reorganize in January shall elect their representatives to This Committee at their organizational meetings.

d. Persons elected as members shall adhere to the Equal Division Rule, and shall be members of the County Central Committee as of the date of the first regular meeting of This Committee.

e. In order for the representative to be eligible to vote at the next meeting of This Committee, the County Chair shall notify the State Chair of This Committee in writing signed by the County Chair of the names and addresses of the persons elected to membership of This Committee no later than by a date publicized by the Chair of This Committee which is at least 60 days prior to the Organizing Convention of an odd-numbered year, or next business day if date falls on state holiday or weekend. Those committees which reorganize in January shall make this notification within three days of the elections held pursuant to subsection (c).

f. County Central Committees may provide for the election of their allocation of membership on an at-large basis or by Supervisorial or Assembly Districts, or by any combination thereof.



Date

RE:

Dear \_\_\_\_\_,

In order for the endorsement of your County Central Committees can become the official endorsements of the California Democratic Party, we reviewed your County Bylaws and governing documents submission.

After careful review of all material submitted, we have approved the CDP endorsement for your nonpartisan candidates for the November General election as of (Date of Approval) through January 1, 2025.

If you have any questions regarding this approval, please contact us through CDP Staffer, Unique Wilson, at [countybylaws@cadem.org](mailto:countybylaws@cadem.org).

We wish you the best in the upcoming elections.

Sincerely,

Robin Torello & Glenn Glazer  
Rules Subcommittee of County Bylaws

Date

RE:

Dear \_\_\_\_\_,

In order for the endorsement of your County Central Committees can become the official endorsements of the California Democratic Party, you submitted your County Bylaws and other governing material for our review.

Unfortunately, as of (Date of Final Results), we reviewed the material you submitted and found that your Bylaws and governing documents did not meet our requirements for approval. After careful review, we found that the following issues that prevented approval:

- 1.
- 2.

If you believe that we were in error and wish to acknowledge as to why, we ask that you respond in writing and we will arrange a date and time to discuss this issue further.

We encourage you to remedy the changes necessary and resubmit at another time. Thank you for your efforts.

Sincerely,

Robin Torello & Glenn Glazer  
Rules Subcommittee for County Bylaws.

# **SUBCOMMITTEE ON ENDORSEMENTS REPORT**

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

**FR: Kathy Bowler, Chair Sub-Committee on Endorsements**

**RE: Report of the Sub-Committee on Endorsements**

**DA: May 14, 2023**

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There have been no suggested By-Law amendments to Article VIII since our last meeting which is appropriate since the 2024 Endorsement Process is about to begin. The CDP has always strived to ensure that the process be as transparent and clear as possible for the voters and candidates, without any last-minute rules changes so this year is no different.

Attached is the 2023-2024 Endorsement calendar which has been posted on the cadem.org site for a few weeks now. See <https://cadem.org/endorsements/>

The staff does have a suggested technical change which will further ensure that all VBM's are received and appropriately routed to the correct Regional Director for the Pre-Endorsement Conference and that each voter will receive a confirmation email when their ballot is received.

Amending Article VIII Section 3 g (2) "Pre-endorsing Conferences..." as follows in red:

Absentee ballot voting shall be allowed for each office to be voted upon at the pre-endorsing conference provided that the participation of at least five of the eligible members of This Committee as delegates to the pre- endorsing conference, either in person, or by vote-by-mail ballot, shall constitute a quorum. In the absence of such quorum no recommendation for endorsement shall take place; however, the relevant convention endorsing caucus shall consider the race "de novo". The ballot shall consist of a written, signed statement from the eligible voter and shall be recorded as part of the roll call vote if received by the designated Regional Director *or through an alternative electronic process promulgated by the Chair of This Committee or their designee* prior to the beginning of the roll call vote in the designated district. In the event that any Senate District or Congressional District falls into more than one Region, the State Chair shall assign those districts to a single regional pre- endorsement conference for the purposes of making the recommendation set forth in this section, due consideration being given to conflicting conference dates so as to allow for full participation.

The staff will be developing the endorsement procedures over the next few weeks and will update the Rules Committee at our August meeting and will post on the CADEM website in a timely fashion as appropriate.

<b>Event</b>	<b>Date</b>	<b>Brief Description</b>	<b>For</b>
Chartered Club/Organization (CCO) members must be "in good standing"	4/25/2023	Deadline by which members of a Chartered Club/Organization must be "in good standing"	Democratic Clubs
Chartered Clubs/Organizations to submit roster of "members in good standing"	5/10/2023	<u>12:00pm deadline</u> Deadline for Chartered Clubs/Organizations to submit roster of "members in good standing" to Chartering Authority, appropriate Regional Director, and CADEM Secretary	Democratic Clubs
Deadline (CCO) to submit Potential Rep - Administrative	7/11/2023	Administrative Deadline for Chartered Club/Organization potential representatives to be submitted to the both the Chartering Authority and the appropriate Regional Director	Democratic Clubs
Candidate Registration Opens	8/14/2023	Candidate Registration will open up for 60 days	CADDEM Endorsement
DSCC Delegate Deadline	9/15/2023	<u>12:00pm deadline</u> Close of all additions or changes to delegate lists for Endorsement process. The roster of eligible delegates will be available approximately one week later	CADDEM Endorsement
DSCC Delegate Lists to be finalized	9/22/2023	DSCC Delegate List will be finalized. Staff will begin to share the list with registered candidates	CADDEM Endorsement
Deadline to Object to the Automatic Placement of an Incumbent	10/11/2023	<u>12:00pm deadline</u> Deadline to file a challenge to the automatic placement of an incumbent running for re-election, on the consent calendar of the State Convention	CADDEM Endorsement
Candidate Registration Deadline - Administrative	10/13/2023	<u>12:00pm deadline</u> Deadline to register as a candidate seeking Endorsement and to receive the delegate list for their district	CADDEM Endorsement
Pre-Endorsing Conferences (Sat)	10/21/2023	Pre-Endorsing Conferences: Participating candidates' filing fee & 2023-24 (Sat-Sun) registration forms due to the Regional Convener at the conference before voting begins for that particular office	CADDEM Endorsement

<b>Event</b>	<b>Date</b>	<b>Brief Description</b>	<b>For</b>
Pre-Endorsing Conferences (Sun)	10/22/2023	Pre-Endorsing Conferences: Participating candidates' filing fee & 2023-24 (Sat-Sun) registration forms due to the Regional Convener at the conference before voting begins for that particular office	CADDEM Endorsement
Post Pre-Endorsement Results	10/25/2023	Deadline for the pre-endorsement conference results to be certified by Staff	CADDEM Endorsement
Deadline to Remove an Endorsement Recommendation from Consent Calendar	11/8/2023	<u>12:00pm deadline</u> Deadline to file a challenge with CDP to remove an endorsement recommendation, from a Pre-Endorsing Caucus, from the consent calendar	CADDEM Endorsement
Declaration of Candidacy and Nomination Papers Period Opens	11/13/2023	Declaration of Candidacy and Nomination Papers Period Opens	SOS Dates
State Endorsing Convention Begins	11/17/2023	The first day of the State Endorsing Convention	CADDEM Endorsement
Endorsing Caucuses	11/18/2023	Endorsing Caucuses as necessary Times for Caucuses and other deadlines are TBD	CADDEM Endorsement
State Endorsing Convention Ends	11/19/2023	The last day of the State Endorsing Convention. During General Session all endorsements are ratified by the General Body.	CADDEM Endorsement
CADDEM Submits Endorsements	12/1/2023	CADDEM Submits the Endorsement Results to County Registrars	CADDEM Endorsement
Declaration of Candidacy and Nomination Papers Period Closes	12/8/2023	Declaration of Candidacy and Nomination Papers Period Closes	SOS Dates
Deadline to submit Political Party Endorsements	12/13/2023	Political Party Endorsements: Deadline to include party endorsements in the official sample ballot	SOS Dates
California Presidential Primary	3/5/2024	California Presidential Primary	SOS Dates

# **PROPOSED BYLAWS AMENDMENTS**

# **PROPOSED DUVALI AMENDMENTS**



These amendments to the bylaws are submitted to have implement democracy and social Justice within the California Democratic Part.

Currently the California Democratic Party lacks democracy due to the State Officers having to outsource income, other than the Chair, causing them to not serve the party, yet to serve their income source thus placing them in a conflict of interest. The Executive Board has the power to implement these as State Party paid positions removing the conflict of interest and implementing transparent democracy within our California State Democratic Party.

ARTICLE III: OFFICERS

Section 1. STATEWIDE OFFICERS

- a. The statewide officers of This Committee shall be a State Chair, a male Vice Chair, a female Vice Chair, a Secretary and a Controller.
- b. While holding office, no statewide officer can accept any form of monetary compensation from any elected official, lobbyist, Union, political campaign or Political Action Committee, and if doing so, will be removed from office, per the procedures in ARTICLE III, Section 6, of the California Democratic Party State Central Committee By-Laws.
- c. All statewide officers shall be elected to four year terms.
- d. The Vice Chair of the opposite sex as the Chair shall be designated the First Vice Chair.
- e. A prerequisite for candidacy to a statewide office is that a candidate be a member of This Committee by the time the election takes place.
- f. The Executive Board shall have the power to compensate the State Chair, male Vice Chair, female Vice Chair, Secretary and Controller. Any decrease in compensation shall not take effect until the next election of the State Chair statewide officers, except upon two-thirds vote of the Executive Board.

ARTICLE XII: COMPLIANCE REVIEW COMMISION

SECTION 1.

The Compliance Review Commission shall be composed of one (1) appointed member from each of the odd number regions in odd number years and one (1) appointed member from the even number regions in even number years, serving a one (1) year term starting at the adjournment of the annual convention ~~three (3) members of the Standing Committee on Credentials and three (3) members of the Standing Committee on Rules, as designated by the~~

~~Chair of This Committee.~~ Process of selecting an appointment will be identified by a majority vote of the district members in each district. The Compliance Review Commission quorum shall be a majority of those persons. The Compliance Review Commission may meet by telephone or other means of electronic communication. If such meetings are conducted by telephone, listen-only telephonic access shall be available to all members of the central committee.

# **PROPOSED SHAY AMENDMENTS**

ARTICLE V: STANDING COMMITTEES AND SPECIAL COMMITTEES

\* \* \*

Section 5. STANDING COMMITTEE DUTIES AND RESPONSIBILITIES

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h. Rules:

It shall be the duty of the Rules Committee to:

INSERT A NEW 8) AND RENUMBER ACCORDINGLY:

**8) promulgate Procedures for recommending to This Committee that endorsements received from a particular County Central Committee shall become the endorsements of This Committee, and to make such recommendations.**

ARTICLE VIII: ENDORSEMENT OF CANDIDATES FOR PARTISAN AND NONPARTISAN OFFICE, AND ENDORSEMENT AND OPPOSITION TO STATE BALLOT PROPOSITIONS, INITIATIVES, REFERENDUM, AND RECALL

\* \* \*

Section 4. NONPARTISAN OFFICES

\* \* \*

**b. Process for California Democratic Party Endorsement, Objection Process:**

A Democratic candidate for nonpartisan office who has been endorsed by their County Central Committee shall also be considered to be the endorsed candidate of the California Democratic Party and shall be entitled to such privileges and benefits as may be attached thereto provided that:

- (1) **it is recommended by the Rules Committee that endorsements received thereunder also be the endorsements of This Committee, and such recommendation is concurred in in** by This Committee as **being** consistent with its own By-Laws and with the fundamental rules of fairness to which the California Democratic Party is committed; and
- (2) A Democratic candidate who has been denied endorsement does not successfully argue before This Committee that there has been a significant violation of the endorsing provisions of the relevant County Central Committee when it rendered its endorsement. Any claim of by-laws violation must be filed with the State Party Chair within seven (7) days of County Committee endorsement. A 2/3 vote shall be necessary to uphold the violation claim.

**c. Requirements of County Bylaws for Approval of Endorsement Process:**

In order for the endorsement of the County Central Committees to become the official endorsements of the California Democratic Party, the following **must be found to have been met by the Rules Committee as part of its recommendation** ~~met~~:

- (1) A Democratic County Central Committee endorsement shall be extended only to registered Democrats.
- (2) Endorsement shall not be given to more candidates than there are seats open for the office in question.
- (3) All endorsements shall be made in accordance with the County Committee's duly adopted By-Laws provisions.
- (4) No vote on endorsement shall be taken by secret ballot.

# **COMPLIANCE REVIEW COMMISSION (CRC)**

# REFERRED TO RULES

# **LARRY AGRAN APPEAL**

**LARRY AGRAN**  
**IRVINE CITY COUNCILMEMBER**

April 19, 2023

To: CDP Secretary Diana Love  
CDP State Central Committee Chair Rusty Hicks  
CDP Rules Committee Co-Lead Chairs Valeria Hernandez & Coby King

Please regard this letter and the accompanying documents as an appeal of the Compliance & Review Commission's (CRC) decision to dismiss the "Larry Agran vs. Los Angeles County Democratic Party" complaint.<sup>1</sup> In its April 14, 2023 decision, the CRC cited two reasons for dismissing the complaint. First, the CRC found that the complaint was not timely because it was not filed within 7 days of the alleged violation. Second, the CRC claimed it lacked jurisdiction over the complaint because it has no authority over County Committees.

**I. Timeliness**

The Los Angeles County Democratic Party's (LACDP) role in funding various "hit pieces" against me — in violation of Article VIII of the California Democratic Party's (CDP) bylaws — was first brought to the attention of CDP Chair Rusty Hicks, CRC Chair Valeria Hernandez, and LACDP leadership on October 20, 2022, less than 7 days after the LACDP's misconduct was publicly disclosed in campaign finance reports.

On October 20, 2022, Dr. Kev Abazajian, on behalf of the Democrats of Greater Irvine Board, sent a letter (with supporting documentation, including official campaign finance reports) to LACDP leadership — with copies to CDP Chair Rusty Hicks, CRC Chair Valeria Hernandez, and Democratic Party of Orange County (DPOC) Chair Ada Briceño — that explained the "dark money" trail. (See Appeal Record, pp. 13-15.) As Dr. Abazajian's letter notes, the LACDP Issues & Advocacy Committee PAC sent \$270,000 to the Working Families United PAC in September 2022, and then, on October 13, 2022, the Working Families United PAC sent \$100,000 to the Citizens for Ethical New Leadership Opposing Larry Agran for Irvine City Council 2022 PAC. (See Appeal Record, p. 13.)

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<sup>1</sup> For ease of reference, I have compiled all of the documents, communications, campaign finance reports, and other evidentiary materials referenced in this appeal into an "Agran vs. LACDP Appeal Record" accompanying this letter.



The Working Families United PAC's \$100,000 contribution to the Citizens for Ethical New Leadership Opposing Larry Agran for Irvine City Council 2022 PAC was not publicly disclosed in campaign finance reports until October 14, 2022. (See Appeal Record, p. 15.) Thus, Dr. Abazajian's October 20, 2022 letter was sent just 6 days after campaign finance reports revealed the LACDP's role in funding the hit pieces against me.<sup>2</sup>

No one ever responded to Dr. Abazajian's letter, and the LACDP-funded hit pieces continued to arrive in Irvine voters' mailboxes right up until Election Day, November 8, 2022. In fact, a campaign finance report filed on November 9, 2022 shows that the Working Families United PAC sent an additional \$50,000 to the Citizens for Ethical New Leadership Opposing Larry Agran for Irvine City Council 2022 PAC on Election Day. (See Appeal Record, p. 16.)

After the election, my investigation into the source and funding of the hit pieces continued. Some time was required to gather the facts and evidence before the full scope of the LACDP's complicity — and the identity of various involved individuals — became apparent.<sup>3</sup> Once my own investigation was complete, I sent a detailed letter of "official complaint" and supporting documentation — dated December 20, 2022 and transmitted via email two days later — to the California Democratic Party Executive Committee, the Compliance & Review Commission, and the LACDP Executive Committee. (See Appeal Record, pp. 1, 4-16.) The second paragraph of my December 20, 2022 letter refers specifically to a violation of Article VIII of the CDP's bylaws. (See Appeal Record, p. 4.)

A few Democratic Party officials acknowledged receipt of my December 20, 2022 complaint, but I never received any substantive response. Accordingly, on January 31, 2023, I

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<sup>2</sup> On October 18, 2022, two days before Dr. Abazajian sent his letter, I joined my son, Ken Agran (who is also my legal counsel), in a conference call with LACDP Chair Mark Gonzalez. I hoped to discuss the LACDP's role in funding the hit pieces, and to ask Mr. Gonzalez for his assistance in stopping the damage. Mr. Gonzalez was combative and refused to help in any way. (See Appeal Record, p. 5.)

<sup>3</sup> My investigation revealed that Melahat Rafiei and her associates — including Daniel Fierro of Presidio Communications Inc.; and Cory Allen, also of Presidio Communications Inc. and a member of the LACDP Central Committee (69th District Chair) — were instrumental in the coordinated attack against me. Ms. Rafiei, the recently-resigned Secretary of the CDP, is a Long Beach-based political consultant with strong ties to the LACDP and continuing political involvement in Irvine and Orange County, despite the May 2022 public disclosure of her arrest on federal bribery charges. According to recent news reports, Ms. Rafiei has formally entered a guilty plea to one count of attempted wire fraud and is currently awaiting sentencing.

re-sent the complaint to the original recipients, along with a short email asking why "the Party — and its Executive Leadership — failed to respond to my complaint." (See Appeal Record, p. 1.)

On February 2, 2023, I received a short email from Ben Seinfeld, Political Director of the CDP, which said: "The California Democratic Party and individual County Committees across the State are separate legal entities under California law. As a result, this particular matter is not under the purview of the California Democratic Party." (See Appeal Record, p. 2.) I replied to Mr. Seinfeld via email on February 13, 2023, citing the sections of Article VIII that do, in fact, provide the CDP with jurisdiction (or "purview") over this matter. (See Appeal Record, p. 3.) Mr. Seinfeld never responded to my February 13, 2023 email.

In light of the above chronology, my February 18, 2023 complaint to the CRC should be considered timely. CDP Chair Rusty Hicks, CRC Chair Valeria Hernandez, and the entire leadership of the LACDP were informed about the LACDP's misconduct in Dr. Abazajian's letter dated October 20, 2022, just 6 days after campaign finance reports disclosed the LACDP's role in funding the hit pieces against me. Over the next four months, as my own investigation revealed new details, I made repeated efforts to inform CDP, CRC, and LACDP officials what had transpired. It was only after these officials showed no interest in investigating my complaint that I turned to the CRC's online portal. In doing so, I was following the CRC's own Procedural Rules requiring a complainant to demonstrate that he has exhausted local remedies, or that such local remedies are inadequate or futile. (See CRC Procedural Rules, Section 3.C. ["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".])

The CRC's "exhaustion of local remedies" requirement means that few complaints will ever be timely filed within the 7-day limitations period. (See CRC Procedural Rules, Section 4.A. [noting that "challenges must be commenced . . . no later than seven (7) calendar days after the alleged violation occurred".]) As a practical matter, it may take weeks — if not months — for a complainant to identify and pursue any local remedies, as was the case here. For this reason, the 7-day period to file a complaint with the CRC should be "tolled" (suspended or stopped temporarily) while the complainant pursues local remedies. Indeed, the CRC is expressly empowered to waive the 7-day deadline based upon "good cause," defined to include such things as "the reason for the late filing, newly discovered evidence, or the best interests of

the Party." (See CRC Procedural Rules, Sections 4.I. & 4.J.) Because the CRC requires the exhaustion of local remedies prior to filing a complaint, and because it took months in this case to gather new evidence and pursue and exhaust local remedies, there is plainly "good cause" for waiving the 7-day limitations period. Given the seriousness of the issues raised in this complaint and the dangerous precedent that a failure to reach the merits would set, a waiver of the 7-day deadline is also in the "best interests of the Party."<sup>4</sup>

## **II. Jurisdiction**

According to the CRC's website and its published Procedural Rules, "The Compliance Review Commission shall have initial jurisdiction over all challenges and/or appeals arising under the Bylaws of the California Democratic Party (CDP)." (See CRC Procedural Rules, Section 2.A.) My CRC complaint and all prior communications with CDP, CRC, and LACDP officials (including Dr. Abazajian's letter) refer directly to Article VIII of the CDP Bylaws, including the principle (in Article VIII, Section 1.d.) that the Party "shall speak with one voice" with respect to the endorsement of partisan and non-partisan candidates, and the express prohibition (in Article VIII, Section 1.e.) on "any County Central Committee" acting in "opposition of . . . non-partisan candidates whose endorsements [by their County Central Committees] become the endorsement of This Committee [the State Central Committee]." (See Appeal Record, pp. 3-5, 13.) Indeed, Article VIII, Section 1.e. even prescribes a specific penalty when a County Central Committee violates the prohibition on working in opposition to an endorsed Democratic candidate: The County Central Committee "shall forfeit its right to representation on This Committee [the State Central Committee] and the privileges and benefits which may be attached thereto for a period of 12 months . . . or the remainder of the term of the current State Central Committee, whichever is longer."

The CRC's own Procedural Rules (Section 5: Powers) also confirm its jurisdiction over this matter and its "ability to penalize County Central Committees for violations" of CDP Bylaws through "denial of representation at meetings of This Committee [the State Central Committee],

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<sup>4</sup> In its April 14, 2023 Amar Shergill decision, the CRC unanimously found that "good cause" existed to waive the timeliness requirement due to the "prolonged and multifaceted election process," and because "it would be in the best interest of the Party" to address the "important allegations" raised in the challenge. (See CRC Decision Shergill, p. 3.)

its Executive Board, and its subordinate bodies." (See CRC Procedural Rules, Section 5.F.) In light of the above, the CRC's decision to dismiss my complaint based on a lack of jurisdiction over County Central Committees is clearly erroneous and must be reversed.

In erroneously dismissing my complaint for lack of jurisdiction, the CRC also asserted that I "failed to establish that the LACDP itself took actions that are prohibited by the California Democratic Party bylaws or otherwise gave rise to CRC jurisdiction." (See CRC Decision Agran, p. 3.) But remember, \$150,000 of the \$270,000 that the LACDP sent to the Working Families United PAC — a staggering 55% — went into funding the hit pieces against me. (See Appeal Record, pp. 13-16.) The notion that the LACDP transferred \$270,000 to the Working Families United PAC without any knowledge or input as to how the money would be spent is, frankly, absurd. Indeed, the LACDP has already admitted that it had knowledge and input regarding the Working Families United PAC's spending: "The LACDP responded that it provided funds to the Working Families United PAC because that PAC was doing independent expenditures in support of LACDP endorsed candidates in areas in Los Angeles County, particularly Long Beach." (CRC Decision Agran, p. 1.)<sup>5</sup>

### **III. Dismissal of the Complaint Will Eviscerate Article VIII and Invite County Committees to Attack Other County Committees' Endorsed Candidates**

If sustained on appeal, the CRC's dismissal of my complaint will have dire consequences for the California Democratic Party, its County Committees, and every endorsed candidate. County Committees will be emboldened to do precisely what LACDP did here: Use "dark money" PACs to attack other County Committees' endorsed candidates, then simply sidestep the obvious Article VIII violation by falsely asserting that they had no knowledge or input regarding these PACs' activities. Vigorous enforcement of the penalties set forth in Article VIII — in my case and in others like it — is essential to prevent this kind of scenario from coming to fruition.

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<sup>5</sup> A review of the Working Families United PAC's campaign finance reports shows that it made contributions of \$414,900.35 during the 2022 election cycle. Only \$34,975.32 of that amount (approximately 8.4%) was spent on behalf of LACDP-endorsed candidates: \$28,000 in support of Rex Richardson for Mayor of Long Beach, and \$6,975.32 in support of Adele Andrade-Stadler for the Alhambra City Council (District 5). The remaining funds — \$379,925.03 — were spent in Orange County races. (See Appeal Record, pp. 17-30.)

# **APPEAL RESPONSE**



May 7, 2023

TO: CDP Secretary Diana Love  
CDP Chair Rusty Hicks  
CDP Rules Committee Lead Chair Valeria Hernandez & Coby King

FROM: Los Angeles County Democratic Party,  
Andrés Molina, Executive Director  
[Andres@lacdp.org](mailto:Andres@lacdp.org) – (562) 351-8410

SUBJECT: Challenge Appeal Response – Councilmember Larry Agran

This letter serves as a written testimony in response to Irvine City Councilmember Larry Agran's appeal to the CDP Rules Committee.

The Los Angeles County Democratic Party (LACDP) was made aware of Councilmember Agran's claims in October 2022 when he and his son, Kenneth, expressed their concerns to Chair Mark Gonzalez. During the phone call, Councilmember Agran and Kenneth alleged that the funds were specifically earmarked to target Councilmember Agran's re-election. However, the LACDP could not satisfy the remedy they sought because it had no legal authority to control the actions of an independent expenditure. Therefore, the LACDP denies any willful participation in a scheme to damage Councilmember Agran's reputation or to work against an endorsed candidate.

The LACDP supports the Compliance Review Commission's (CRC) findings that under the adopted 2020 CRC procedural rules, County Central Committees are independent legal entities and not subordinate units of the California Democratic Party (CDP). The CDP's bylaws also do not grant authority over the LACDP regarding the financial contributions it chooses to make to PACs. Moreover, Mr. Agran's appeal argues that his initial inquiry and apprehension addressed to the LACDP and CDP regarding the mailers should meet the CRC's Procedural Rule obligation of filing a complaint within seven (7) calendar days after the supposed violation. However, this



argument is not tenable as an official challenge was lodged almost four months later, accompanied by most of the same evidence presented to Chair Gonzalez in October 2022.

The appeal remains deficient in that it fails to offer a definite resolution by Mr. Agran to the matter at hand. As a remedy, the CDP can deny the LACDP representation at meetings, the Executive Board, and its subordinate bodies under section 5G of the procedures. However, the LACDP believes that if the CDP were to exercise these remedies, it would not be appropriate as it lacks jurisdiction to adjudicate this matter since Central Committees cannot be held liable for what third parties choose to do with unrestricted funds.

It is the stance of the LACDP that CRC's decision be upheld due to the complaint's untimeliness and the absence of substantial evidence demonstrating the LACDP's deliberate intention to engage in a coordinated attack on Mr. Agran's bid for re-election.

Moving forward, the LACDP is committed to being more cautious about the PACs it chooses to contribute to in the future.

Sincerely,

Andrés Molina  
*Executive Director,*  
Los Angeles County Democratic Party

# **CRC DECISION**



MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: March 14, 2023

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

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**INTRODUCTION:**

On February 18, 2023, Irvine City Councilmember Larry Agran filed a challenge relating to the action of the Los Angeles County Democratic Party (LACDP), claiming that the LACDP funded a PAC with the sole purpose of defeating Mr. Agran in his City Council re-election campaign. The Challenger alleges that the LACDP funded the Working Families United PAC with \$150,000. Mr Agran contends that the Working Families United PAC later sent funds to the Citizens for Ethical New Leadership Opposing Larry Agran for Irvine City Council 2022 PAC. Mr. Agran claims that the LACDP’s intention was to fund the anti-Agran PAC in hopes of defeating him in the November 8, 2022 election. Allegations include details that the PAC funded approximately ten attack mailers with assertedly personal comments about Mr. Agran and his record.

The challenge claims that the Challenger notified the LACDP Executive Board (which Mr. Agran called the Executive Committee in the notice) and Rusty Hicks, CDP Chair, but that they ignored the information. Additionally, Mark Gonzalez, in his capacity as Chair of LACDP, was contacted by Mr. Agran directly, but Mr. Gonzalez assertedly refused to help.

Mr. Agran claims that the LACDP violated CDP Bylaws Article VIII, Section 4.b by financially supporting attacks against another Central Committee’s officially endorsed candidate.

Although the Challenger did win his re-election, he believes that he was adversely affected by the mailers that were sent by the Working Families United PAC.

The LACDP responded that it provided funds to the Working Families United PAC because that PAC was doing independent expenditures in support of LACDP endorsed candidates in areas in Los Angeles County, particularly Long Beach. LACDP noted that, as a rule, once a contribution is made to a PAC, the PAC can expend the funds as it wishes. The LACDP also indicated that it understood Mr. Agran’s concerns and would consider those concerns when contemplating making future contributions to political action committees rather than by making direct expenditures.

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

Documents received and reviewed by the CRC associated with the challenge included the following: Challenge submitted by Councilmember Larry Agran on February 18, 2023 and three supporting documents

- a. Exhibit A – Attack Mailer #1 Example (false allegations of misogyny)
  - b. Exhibit B - Attack Mailer #2 Example (false allegations of support for OCPA)
  - c. Exhibit C - Letter to LACDP from the Democrats of Greater Irvine (including financial filings)
2. Testimony submitted by the LACDP in opposition
  3. There were no responses supporting this 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 November 2022, unless otherwise indicated.)

Mr. Larry Agran submitted a challenge on February 18, 2023 for an incident that took place during the 2022 General Election campaign season. The submission was not within the seven (7) calendar day requirement for timeliness and the CRC was not provided with “good cause” to waive the requirement; as a result, the challenge is untimely and should be dismissed.

## **STANDING:**

According to Article XII, Section 3:

“Any party to a challenge must be adversely affected to bring the challenge.”  
Mr. Agran was an endorsed candidate by the Democratic Party of Orange County and was named and called out in an unfavorable way in mailers in question.

Without passing on the merits of any mailer, the CRC finds the challenge sufficiently states allegations supporting a finding of standing as Mr. Agran adequately asserts that he was adversely affected. In such circumstances, although it is not necessary to make a finding as to standing, there likely would have been standing had there been a timely challenge over which the CRC had jurisdiction.

## **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.”

In addition to being untimely, Mr. Agran’s challenge was fatally deficient in that Mr. Agran did not elucidate a sufficient basis for jurisdiction to hear the challenge. In that regard, although Mr. Agran contended that he was damaged by mailers sent by a third party that received funds from LACDP, he failed to establish that the LACDP itself took actions that are prohibited by the California Democratic Party bylaws or otherwise gave rise to CRC jurisdiction.

## **FINDINGS:**

As noted above, the challenge submitted by Mr. Agran was both untimely and failed to demonstrate a basis for jurisdiction; and the CRC could not discern a basis for jurisdiction.

As the CRC has explained in many previous decisions, the CRC does not have plenary jurisdiction over actions of County Central Committees, which under state and federal law are independent and 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 activities and expenditures of a County Central Committee.

While not necessary to this decision, the CRC notes that, here, the actions of the LACDP in making a sizable contribution to a PAC that, in turn, funded unfavorable mailers about an endorsed candidate of another County Central Committee demonstrate the dangers inherent in making such contributions rather than engaging in Party activity directly. The LACDP has informed the CRC that it recognizes that fact and will consider that possibility in its future expenditure decisions.

**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 submit in a timely matter and 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 April 26, 2023 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 Wednesday, April 26, 2023, 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, Member, Rules Committee

# **ORIGINAL COMPLAINT**

**LARRY AGRAN**  
**IRVINE CITY COUNCILMEMBER**

December 20, 2022

To: California Democratic Party Executive Committee  
California Democratic Party Compliance & Review Commission  
Los Angeles Democratic Party Executive Committee

Cc: Democratic Party of Orange County Executive Committee  
Democrats of Greater Irvine Executive Committee

This letter serves to inform the Los Angeles County Democratic Party (LACDP) and the California Democratic Party (CDP) of my official complaint regarding the LACDP's financial involvement in organized attacks against an endorsed candidate of the Democratic Party of Orange County (DPOC).

The fact that one CDP County Committee financially supported attacks against another County Committee's officially endorsed candidate (in this case, me) is unconscionable and should not be tolerated by the CDP. Moreover, it is contrary to CDP bylaws. (See Article VIII, Section 4.b., p. 57 ["A Democratic candidate for nonpartisan office who has been endorsed by their County Central Committee shall also be considered to be the endorsed candidate of the California Democratic Party and shall be entitled to such privileges and benefits as may be attached thereto . . . ".].)

While it is well known that County Committees have in the past helped *support* other County Committee candidates, this unprecedented action by the LACDP in *attacking* another County Committee's endorsed candidate must be addressed by the CDP.

During the November 8, 2022 election campaign, at least \$150,000 (reported thus far) from the LACDP Issues & Advocacy Committee PAC made its way through an intermediary (Working Families United PAC) to a political committee (Citizens for Ethical New Leadership Opposing Larry Agran for Irvine City Council 2022 PAC) that was established with the sole intent of defeating me in my City Council re-election campaign.

By mid-October, six attack mailers funded by the anti-Agran PAC had arrived in Irvine mailboxes — filled with hateful personal smears and outright lies regarding my record. (Two examples of these mailers are attached. The mailers included the State-required disclosure that major funding for the pieces came from the Working Families United PAC.)

On October 20, 2022, the leadership from the officially chartered Democratic Club in Irvine (Democrats of Greater Irvine) sent a letter to the Executive Board of the LACDP and to the Chair of the CDP, Rusty Hicks, alerting them to the matter and requesting that the Party step in to stop the vicious attack mailers. (The October 20, 2022 letter is attached.) According to the Chair of the Democrats of Greater Irvine Club, the letter was ignored.

With the advice and assistance of the Chair of the DPOC, Ada Briceño, I personally contacted the Chair of the LACDP, Mark Gonzalez. Instead of offering to investigate the matter and otherwise put a stop to the damage that was being done, Mr. Gonzalez was combative — refusing to assist in any way.

As a result of the LACDP's refusal to investigate or assist in any way, the attack mailers continued to arrive in Irvine mailboxes right up until Election Day — approximately 10 mailers, in total, all funded by the same Working Families United PAC to which the LACDP had funneled \$150,000. Thankfully, Irvine voters know my record and overwhelmingly voted to re-elect me.

However, as a lifelong Democrat with a decades-long record of progressive leadership — and as the Democratic Party of Orange County's officially endorsed candidate in the race — I find it outrageous that the LACDP acted as a conduit and intentionally facilitated the expenditure of \$150,000 as part of a scheme to defeat me.

Even though I won re-election, I am determined to make sure that no other Democratic Party-endorsed candidate is subjected to the sort of organized attacks that I endured at the hands of the LACDP.

Our own investigation has revealed in considerable detail what transpired in this matter. I, of course, stand ready to provide additional information and documentation you may need to investigate this complaint and bring about a just conclusion.

Sincerely,



Larry Agran  
Irvine City Councilmember  
Public Interest Attorney

Attachments:

- (1) Attack Mailer #1 Example (false allegations of misogyny)
- (2) Attack Mailer #2 Example (false allegations of support for scandal-ridden OCPA)
- (3) Letter to LACDP from the Democrats of Greater Irvine (including financial filings)

# LARRY AGRAN IRVINE CITY COUNCILMEMBER

## Email Sent to CDP on December 22, 2022

Despite the fact that I was endorsed by the Democratic Party of Orange County and the Democrats of Greater Irvine chartered club in the November 2022 Irvine municipal election, the Los Angeles County Democratic Party helped fund a series of vicious attack mailers against me. (See the attached official complaint regarding this matter.)

Please confirm receipt of this complaint.

Should you have any questions, I can be reached at the above email address, or by phone at (714) 742-5597.

Thank you,



Larry Agran  
Irvine City Councilmember

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## Email Sent to CDP on January 31, 2023

On December 22, 2022, I sent an official complaint to the officers of the California Democratic Party, the Los Angeles County Democratic Party, and the Democratic Party of Orange County. (See my original message below.)

A handful of the Democratic Party officials who received the complaint took the time to acknowledge receipt. However, I have not received a substantive response from anyone, nor have I received any indication whether the California Democratic Party is even investigating the complaint.

Why has the Party — and its Executive Leadership — failed to respond to my complaint? Should I assume that the kind of campaign finance corruption documented in my complaint is now considered acceptable in California Democratic Party politics?

Please provide a detailed response to my complaint by **Friday, February 10th**.

Sincerely,



Larry Agran  
Irvine City Councilmember



**Email received from Ben Seinfeld (CDP) on February 2, 2023**

Councilmember Agran -

We are in receipt of your communication.

The California Democratic Party and individual County Committees across the State are separate legal entities under California law. As a result, this particular matter is not under the purview of the California Democratic Party.

We congratulate you on your recent election victory and wish you the best for a successful term.

Thank you.

Ben Seinfeld he/him/his  
Political Director  
Ben@Cadem.org | Cell: 818-441-4430

Dear Mr. Seinfeld,

Your February 2, 2023 email, which attempts to dismiss my December 22, 2022 complaint as a matter "not under the purview of the California Democratic Party," appears to reflect an ignorance of the California Democratic Party's own official rules and bylaws.

Article VIII of the "By-Laws and Rules of the California Democratic Party" (as amended and printed in November 2022) contains a detailed set of procedures governing "Endorsement of Candidates for Partisan and Nonpartisan Office." Section 1.d. of Article VIII emphasizes "the principle that the Democratic Party as an organization shall speak with one voice with respect to the endorsement of candidates for nomination to partisan public office and non-partisan candidates whose endorsements become the endorsement of This Committee." And Section 1.e. of Article VIII states:

"Any official unit of the California Democratic Party or any County Central Committee which renders an independent, unauthorized endorsement or opposition of a candidate for partisan public office or non-partisan candidates whose endorsements become the endorsement of This Committee, shall forfeit its right to representation on This Committee and the privileges and benefits which may be attached thereto for a period of 12 months from the time it renders such an endorsement, or the remainder of the term of the current State Central Committee, whichever is longer."

As explained in my original complaint, I was officially endorsed by the Democratic Party of Orange County (DPOC) in the November 2022 election. The DPOC's endorsement of my candidacy therefore became the endorsement of the California Democratic Party and the State Central Committee. Despite these endorsements, the Los Angeles County Democratic Party (LACDP) spent \$150,000 to fund a series of vicious attack mailers against me. **This clearly constitutes action by a "County Central Committee" in "opposition of . . . non-partisan candidates whose endorsements become the endorsement of This Committee [the State Central Committee]."**

Does the California Democratic Party intend to take this complaint seriously, enforce its own rules and by-laws, and investigate the individuals within or affiliated with the LACDP who conspired against me? Or, as I previously asked, should I assume that the kind of campaign finance corruption documented in my complaint is now considered acceptable in California Democratic Party politics?

I spoke recently about this matter with Ada Briceño, Chair of the Democratic Party of Orange County. She was disappointed that this incident occurred and wants a resolution before going into the next election cycle.

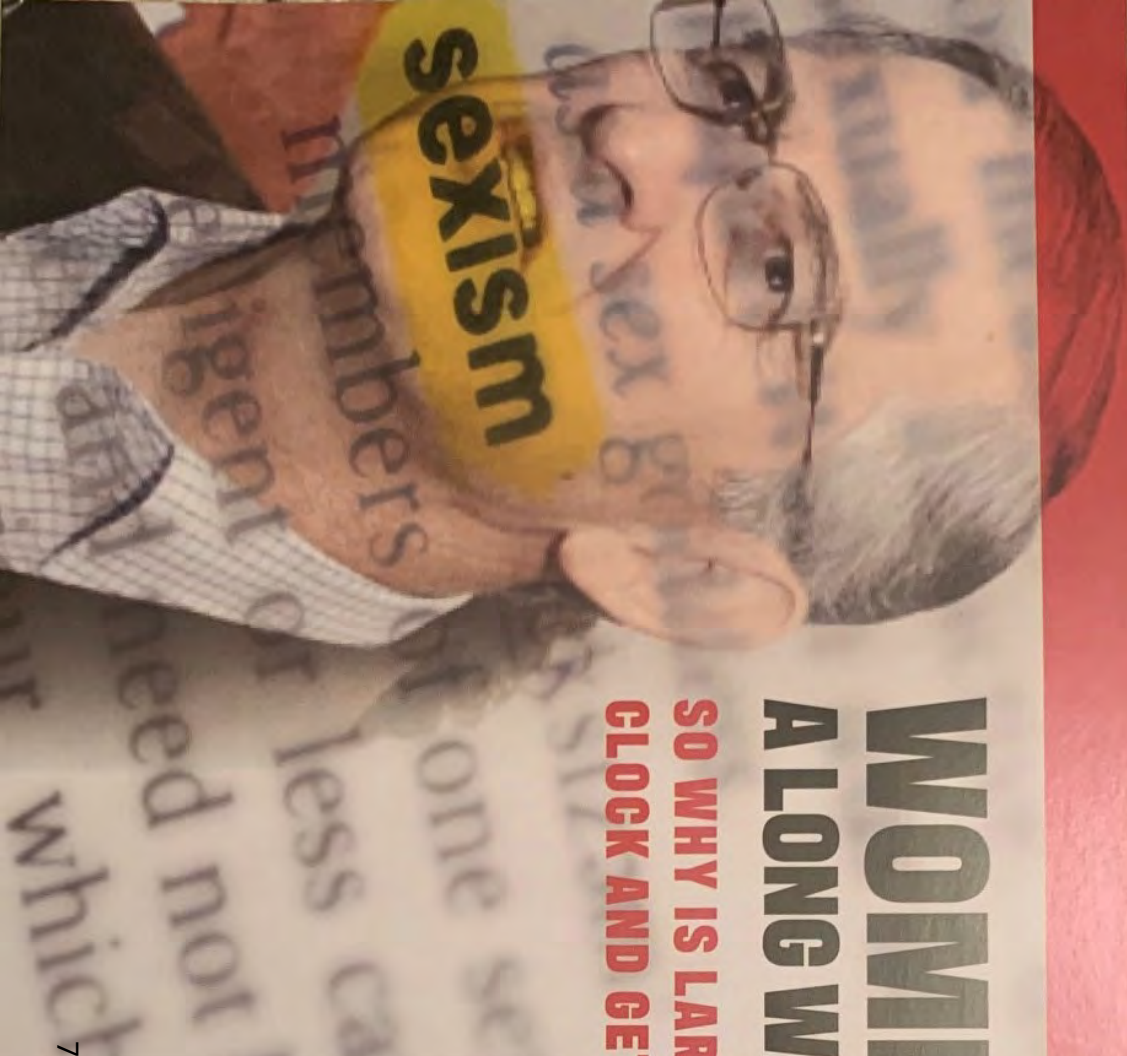
Sincerely,



Larry Agran  
Irvine City Councilmember

**Attachment 1:**

Attack Mailer #1 Example (false allegations of misogyny)

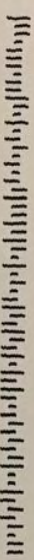


# **WOMEN HAVE COME A LONG WAY IN THE LAST CENTURY SO WHY IS LARRY AGRAN TRYING TO TURN BACK THE CLOCK AND GET AWAY WITH SEXIST COMMENTS?**

Citizens for Ethical New Leadership  
Opposing Larry Agran for Irvine City  
Council 2022  
249 E. Ocean Blvd. #670  
Long Beach, CA 90802



Irvine, CA 92602-0784



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# LARRY AGRAN'S SEXISM ON DISPLAY

LARRY AGRAN'S CONDESCENDING AND  
INSULTING REMARK TO MAYOR FARRAH KHAN  
"LET'S ENGAGE IN A GROWN UP DISCUSSION  
HERE" SAYS A LOT ABOUT WHAT HE THINKS OF  
WOMEN IN ELECTED PLACES OF POWER.

Would he ever speak that way to a male colleague?

"Councilmember Agran, I would like you to stop your  
misogynistic tone when you speak to me."  
-Mayor Farrah Khan

Irvine's women deserve better. ALL of Irvine deserves better.

Source: Irvine City Council meeting, 10/26/21.



## VOTE BY NOVEMBER 8<sup>TH</sup>!

**VISIT [OCVOTE.NET](http://OCVOTE.NET) TO FIND YOUR NEAREST BALLOT  
DROP BOX OR VOTING CENTER.**

**[www.EnoughLarry.com](http://www.EnoughLarry.com)**

Ad paid for by Citizens for Ethical New Leadership Opposing Larry Agran for Irvine City Council 2022. Committee major funding from  
Working Families United PAC.

Not authorized by a candidate or a committee controlled by a candidate.

**Attachment 2:**

Attack Mailer #2 Example (false allegations of support for OCPA)



# LARRY AND THE OC POWER AUTHORITY HIGHER POWER RATES FOR IRVINE TAXPAYERS? THANKS A LOT, LARRY



# WE DON'T NEED FOUR MORE YEARS OF LARRY AGRAN

**Larry Agran** likes to denounce the OC Power Authority, but he supported it and was one of the loudest voices for community choice energy like OCPA. Now, Irvine residents are having a hard time opting out and are paying higher power rates as a result.

**PAYING MORE FOR ELECTRICITY IN IRVINE?  
THANKS A LOT, LARRY AGRAN.**

Citizens for Ethical New Leadership Opposing  
Larry Agran for Irvine City Council 2022

249 E. Ocean Blvd. #670  
Long Beach, CA 90802



Irvine CA 92602-0784

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Ad paid for by Citizens for Ethical New Leadership Opposing Larry Agran for  
Irvine City Council 2022.  
Committee major funding from Working Families United PAC.  
Not authorized by a candidate or a committee controlled by a candidate.



# DON'T BE FOOLED - LARRY AGRAN SUPPORTED THE OCPA SCHEME

"We need community  
choice energy!"

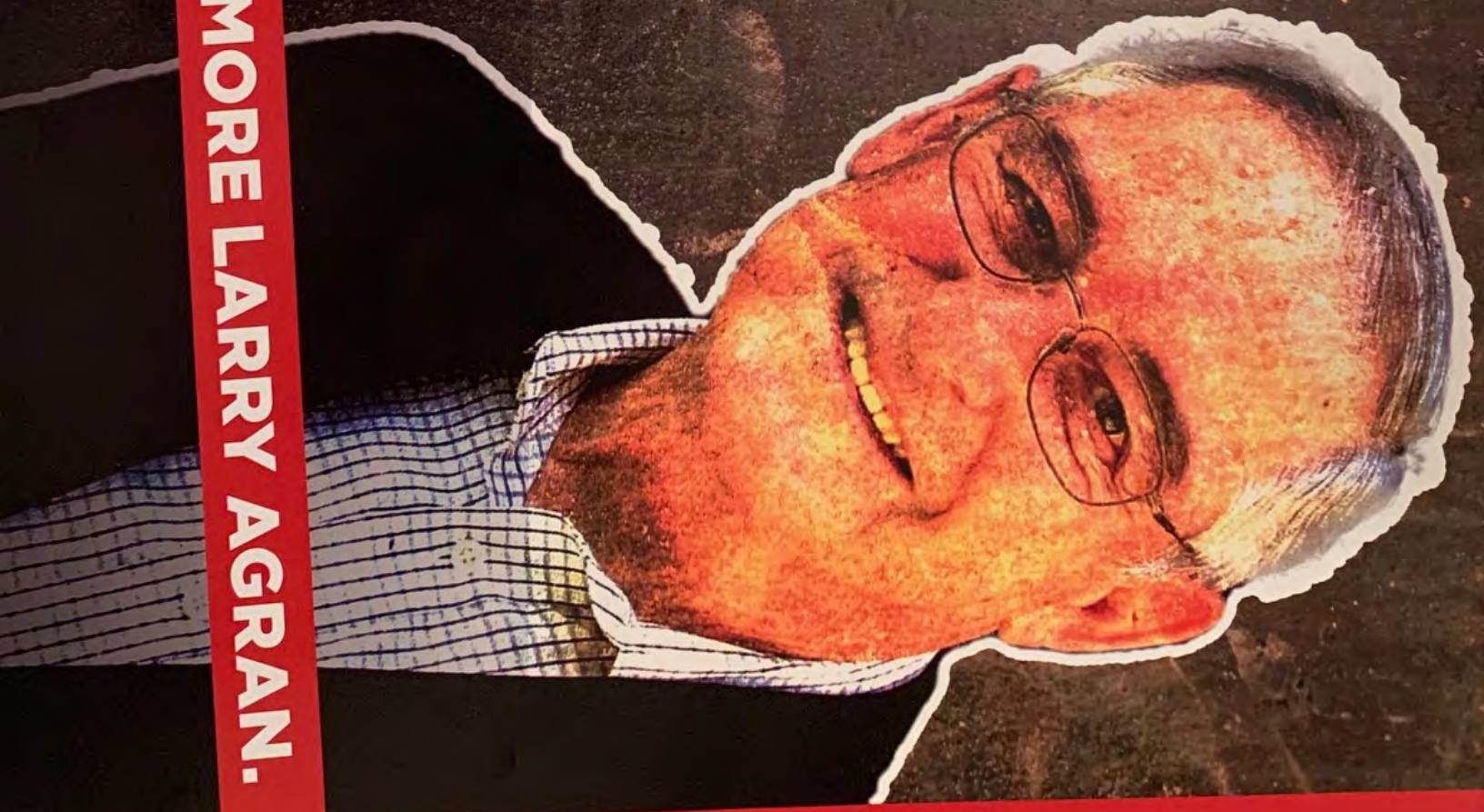
- Candidate Larry Agran, September 30, 2020.

"Despite voting in favor of the resolution,  
Councilman Larry Agran also voiced  
concerns about the Orange County Power  
Authority." - **Daily Pilot, February 10, 2022**

**Why on earth would anyone vote for  
something they have "concerns" about?**

**IRVINE CAN'T AFFORD ANY MORE LARRY AGRAN.**

**EnoughLarry.com**





### **Attachment 3:**

Letter to LACDP from the Democrats of Greater Irvine  
(including financial filings)



October 20, 2022

Dear Leadership of the Los Angeles County Democratic Party,

We are writing as board members of the chartered Democratic Party club, the Democrats of Greater Irvine (DGI), in order to seek your assistance in halting and preventing Democratic Party monies from being used in opposition to an endorsed Democratic Party candidate, Irvine City Councilmember Larry Agran. Our club members unanimously directed us to investigate and act on this matter at our October 16 club meeting.

This election season, there appears to be a connection between funds going from the Los Angeles County Democratic Party Issues and Advocacy Committee PAC to a PAC formed to attack City of Irvine Councilmember Larry Agran, who is up for re-election this November. This is evidenced by the following transfers, which are enclosed:

- LACDP Issues & Advocacy Committee PAC \$270k total to Working Families United PAC (9/12/2022 to 9/22/2022)
- Working Families United PAC \$100k to "Citizens for Ethical New Leadership Opposing Larry Agran for Irvine City Council 2022 PAC" (CENLOLA) (10/13/2022)

Our mission as chartered organizations under the California Democratic Party is to speak with one voice on election endorsements and activities, and we of course are expressly forbidden to work in opposition to an endorsed Democratic Party candidate, under our county and state Democratic Party bylaws. These funds to CENLOLA have been used to send 6 mail pieces, so far, to Irvine voters that attack Councilmember Agran with numerous false and tasteless accusations. One example is enclosed.

To rectify this as soon as possible, we are asking you to direct the LACDP Issues & Advocacy Committee PAC to ensure that none of its funds go, directly or indirectly, to a PAC working in opposition to endorsed candidates, and to ask for any unspent funds to be returned from PACs involved in opposition activities so that those opposition activities are halted. We kindly ask that you respond and act as soon as possible, and not later than October 27.

Sincerely,

Kev Abazajian, PhD  
on behalf of the DGI Board

cc: CDP Chair Rusty Hicks, CRC Chair Valeria Hernandez and DPOC Chair Ada Briceño

# 496 Independent Expenditure Report

496 INDEPENDENT EXPENDITURE REPORT

## CALIFORNIA FORM 496

I.D. NUMBER (if applicable)

1430171

NAME OF FILER

Working Families United PAC

### 3. Contributions of \$100 or More Received\*

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE**	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED	INTEREST RATES
08/21/2022	[REDACTED] La Caada Flintridge, CA 91011	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		4,000.00	If loan, enter interest rate, if any _____%
08/23/2022	[REDACTED] La Caada Flintridge, CA 91011	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		2,000.00	If loan, enter interest rate, if any _____%
09/12/2022	Los Angeles County Democratic Party Issues and Advocacy Committee [REDACTED] Committee ID# 744554	<input type="checkbox"/> IND <input checked="" type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		95,000.00	If loan, enter interest rate, if any _____%
09/13/2022	Los Angeles County Democratic Party Issues and Advocacy Committee [REDACTED] Committee ID# 744554	<input type="checkbox"/> IND <input checked="" type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		75,000.00	If loan, enter interest rate, if any _____%
09/22/2022	Los Angeles County Democratic Party Issues and Advocacy Committee [REDACTED] Committee ID# 744554	<input type="checkbox"/> IND <input checked="" type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		100,000.00	If loan, enter interest rate, if any _____%
09/29/2022	Arturo Reyes [REDACTED]	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Retired Retired	250.00	If loan, enter interest rate, if any _____%

\*Major donor and independent expenditure committees that do not receive contributions are not required to complete Part 3.

\*\*Contributor Codes

- IND – Individual
- COM – Recipient Committee (other than PTY or SCC)
- OTH – Other
- PTY – Political Party
- SCC – Small Contributor Committee

# 497 Contribution Report

Amounts may be rounded to whole dollars.

497 CONTRIBUTION REPORT

<b>NAME OF FILER</b> Citizens for Ethical New Leadership Opposing Larry Agran for Irvine City Council 2022	<b>Date of This Filing</b> 10/14/2022  <b>Report No.</b> 10-14-LA	<b>Date Stamp</b>	CALIFORNIA 497 FORM For Official Use Only
<b>AREA CODE/PHONE NUMBER</b>  I.D. NUMBER (if applicable) 1455302	STATE ZIP CODE _____	<input type="checkbox"/> Amendment to Report No. _____ (explain below)	
No. of Pages 1			

## 1. Contribution(s) Received

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR <small>(IF COMMITTEE, ALSO ENTER I.D. NUMBER)</small>	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER <small>(IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)</small>	AMOUNT RECEIVED
10/13/2022	Working Families United PAC [REDACTED] Committee ID # 1430171	<input type="checkbox"/> IND <input checked="" type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		100,000.00  <input type="checkbox"/> Check if Loan _____% Provide interest rate
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		<input type="checkbox"/> Check if Loan _____% Provide interest rate
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		<input type="checkbox"/> Check if Loan _____% Provide interest rate

\*Contributor Codes  
 IND – Individual  
 COM – Recipient Committee (other than PTY or SCC)  
 OTH – Other (e.g., business entity)  
 PTY – Political Party  
 SCC – Small Contributor Committee

Reason for Amendment: \_\_\_\_\_

# 497 Contribution Report

Amounts may be rounded to whole dollars.

497 CONTRIBUTION REPORT

**NAME OF FILER**  
Citizens for Ethical New Leadership Opposing Larry Agran for Irvine City Council 2022

**Date of This Filing** 11/09/2022

**Date Stamp**

**CALIFORNIA FORM 497**  
For Official Use Only

**AREA CODE/PHONE NUMBER** I.D. NUMBER (if applicable) 1455302

**Report No.** 11-09-CENTL

E-Filed  
11/09/2022  
17:17:50  
Filing ID:  
205577648

**STREET ADDRESS**

**Amendment to Report No.** \_\_\_\_\_  
(explain below)

**CITY** \_\_\_\_\_ **STATE** \_\_\_\_\_ **ZIP CODE** \_\_\_\_\_

**No. of Pages** 1

## 1. Contribution(s) Received

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER ID NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED
11/08/2022	Working Families United PAC Committee ID # 1430171	<input type="checkbox"/> IND <input checked="" type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		50,000.00
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		<input type="checkbox"/> Check if Loan _____% Provide interest rate
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		<input type="checkbox"/> Check if Loan _____% Provide interest rate

Reason for Amendment: \_\_\_\_\_

\*Contributor Codes  
 IND - Individual  
 COM - Recipient Committee (other than PTY or SCC)  
 OTH - Other (e.g., business entity)  
 PTY - Political Party  
 SCC - Small Contributor Committee

# TESTIMONY IN OPPOSITION



March 6, 2023

TO: California Democratic Party- Compliance Review Commission

FROM: Los Angeles County Democratic Party,  
Andrés Molina, Executive Director  
[Andres@lacdp.org](mailto:Andres@lacdp.org) – (562) 351-8410

SUBJECT: Challenge Response – Councilmember Larry Agran

This letter serves as a written testimony in response to Irvine City Councilmember Larry Agran's challenge.

The Los Angeles County Democratic Party (LACDP) was made aware of Councilmember Agran's claims in October 2022 when he and his son, Kenneth, expressed their concerns to Chair Mark Gonzalez. During the phone call, Councilmember Agran and Kenneth alleged that the funds were specifically earmarked to target Councilmember Agran's re-election. However, the LACDP could not satisfy the remedy sought because it had no legal authority to control the actions of an independent expenditure. Therefore, the LACDP denies any willful participation in a scheme to damage Councilmember Agran's reputation or to work against an endorsed candidate.

According to the adopted 2020 Compliance Review Commission procedural rules, County Central Committees are independent legal entities and not subordinate units of the California



Democratic Party (CDP). The CDP's bylaws also do not grant authority over the LACDP regarding the financial contributions it chooses to make to PACs.

The challenge does not provide a specific resolution to the matter as required under the procedures. As a remedy, the CDP can deny the LACDP representation at meetings, the Executive Board, and its subordinate bodies under section 5G of the procedures. However, the LACDP believes that if the CDP were to exercise these remedies, it would not be appropriate as it lacks jurisdiction to adjudicate this matter since Central Committees cannot be held liable for what third parties choose to do with unrestricted funds.

Moving forward, the LACDP is committed to being more cautious about the PACs it chooses to contribute to in the future.

Sincerely,

Andrés Molina  
*Executive Director,*  
Los Angeles County Democratic Party



# **NO TESTIMONY IN SUPPORT**

# **JASON BEZIS APPEAL**

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

April 26, 2023

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 April 14, 2023 (Concerning May 13, 2021 Challenge); Notify of Intent to Testify

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

This is an appeal of the CDP Compliance Review Commission decision of April 14, 2023.

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

This Challenge concerns a violation of CDP Bylaws, Article XIII, Section 1 (Public Meetings), which states in part, “All public meetings at all levels of the Democratic Party shall be open to all members of the Democratic Party ...” (emphasis added), and the related Open Meeting Rule.

In reaction to the “smoke-filled back rooms” that had dominated the Democratic Party until the 1960s, the Open Meeting Rule has served as a guaranty of openness and transparency in Democratic Party activities for the past half century. As recent as July 2018, the California Democratic Party, though this Rules Committee, re-affirmed and strengthened the Open Meeting Rule, to re-assure millions of Californians that the California Democratic Party would serve as the “Big Blue Beacon” of inclusivity during Trump-era tumult. The Challenge is a major test of whether the Open Meeting Rule is enforceable and has any real meaning. So far the California Democratic Party is failing that test. The California Democratic Party effectively is

rendering the Opening Meeting Rule meaningless (a “dead letter”). The 1960s and ‘70s ideals of the Democratic Party are effectively dead; the Party has retrogressed back to the 1920s.

The April 14, 2023 Decision states in part, “[T]he CRC notes that all Democratic Central Committees, including the DPCCC and its Executive Board, are bound by the Open Meetings rule and must notice and hold their meetings in a manner consistent with that rule.” (p. 3.) Petitioner Bezis strongly agrees with that portion of the Decision.

The heart of the Decision states: “The challenge is deficient in many respects. First, the Challengers do not explain what internal remedies were available and how they were exhausted. Second, the challenge is insufficiently clear as to why, in a matter involving a County Central Committee, the circumstances warrant a finding of jurisdiction and a finding of a potential violation of such severity as to warrant, if proven, the remedy of denial of representation on This Committee or its Executive Board. Given this, the prudential rule urging the CRC not to intervene in County Central Committee matters – except in limited circumstances – and the fact that the CRC has previously found that Mr. Bezis has exhibited a pattern of being a vexatious litigant under CRC Procedural Rule 5(d), summary dismissal is warranted.

Any “internal remedies” in the Contra Costa County Democratic Party are grossly inadequate. All procedural challenges are ultimately decided by the County Party Executive Committee, whose meetings are not open to the public (the very issue that precipitated this challenge). No procedural challenge can be appealed to full County Central Committee. In addition, the Executive Committee of the Contra Costa County Democratic Central Committee often holds impermissible “closed sessions” in order to make secretive decisions in violation of due process rights and other norms. (See, e.g., the April 8, 2021 Clark/Bezis Challenge Concerning CDP Open Meeting Rule violations by the Contra Costa County Executive Committee.)

Petitioner Bezis protests the California Democratic Party's unjustified designation of him as a "vexatious litigant" without any semblance of due process, in retaliation for his exercise of his rights and for complaining about discriminatory conduct against him by the Democratic Party based on his race, national origin, religion and gender. Petitioner Bezis also notes that he had not been designated a "vexatious litigant" at the time that he co-filed this Challenge in May 2021. Petitioner Bezis argues that the California Democratic Party created its "vexatious litigant" policy and applied it against him (and only him) in order to summarily dismiss meritorious complaints.

A claim that one co-petitioner lacks standing does not defeat standing for all co-petitioners. Even if co-Petitioner Bezis were removed from this Challenge as a "vexatious litigant," then co-Petitioner Glazer would remain. Therefore, co-Petitioner Bezis's status as a "vexatious litigant" is irrelevant to the ultimate adjudication of this Challenge.

Furthermore, the CDP Compliance Review Commission rules require that a challenge must be "determined not to have a likelihood of success" before dismissal under the "vexatious litigant" rule.<sup>1</sup> The CRC made no such finding. (Rule 5(D)(5).)

On or about May 26, 2021, Jeff Koertzen, "Associate Member of the Democratic Party of Contra Costa County," filed with the CDP Compliance Review Commission a peculiar four-page letter rebutting this Challenge. (See Exhibit 1.) Mr. Koertzen attached a letter from County Party Chair Katie Ricklefs, but does not explain how he obtained that letter. Mr. Koertzen implies that he is speaking for the County Party. Mr. Koertzen denigrated Petitioner Bezis and

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<sup>1</sup> "When considering a motion to declare a litigant vexatious under [Code of Civil Procedure] section 391.1, the trial court performs an evaluative function. The court must weigh the evidence to decide both whether the party is vexatious based on the statutory criteria and whether he or she has a reasonable probability of prevailing." (*Golin v. Allenby* (2010) 190 Cal.App.4th 616, 635.)

this Challenge based on Petitioner Bezis' race: "his plight as a privileged white attorney who was kicked out of a Zoom meeting." (Exh. 1, p. 2.) Exclusion of an individual from activities of the Democratic Party based on race is impermissible under the Democratic National Committee Charter (Article Eight (Full Participation), Section 2), among other authorities.

Petitioner Bezis demands a Democratic Party investigation into Mr. Koertzen's long pattern of race and gender-based discriminatory conduct against him, including CDP Code of Conduct violations. Mr. Koertzen has engaged in a years-long vendetta against Petitioner Bezis. When Mr. Koertzen was Contra Costa County Democratic Party Chair in 2016, Mr. Koertzen repeatedly placed November 2016 election endorsement votes on the meeting agendas without adequate prior notice. When Petitioner Bezis protested the inadequate notice, Mr. Koertzen threatened to remove Petitioner Bezis from the meetings and rammed the endorsement votes through the body. Mr. Koertzen was a major player in the blatant race, national origin and gender-based attacks against Petitioner Bezis that occurred at the April 15, 2021 Contra Costa County Democratic Party meeting (see April 22, 2022 Glazer/Bezis CDP CRC Challenge). Carolyn Wysinger credited Mr. Koertzen by name as the inspiration for her call to the body to find Mr. Bezis "guilty" and exclude Mr. Bezis from the Democratic Party **solely on the basis of his race, national origin and gender, regardless of the facts and law**, in order to advance the tenets of Critical Race Theory. Mr. Koertzen played an integral role in fomenting what essentially was a race, national origin and gender-based lynching of Mr. Bezis. Chair Katie Ricklefs impermissibly allowed Mr. Koertzen to attend that "closed session" on April 15, 2021 even though he was not a voting member. (See Exhibit 2, "Jeff Koertzen as advisor on procedure without vote".) Mr. Koertzen then further retaliated against Petitioner Bezis by co-signing a complaint to exclude Petitioner Bezis from the Democratic Party a second time in

March 2022 because Mr. Bezis had complained to a discrimination reporting/investigatory body about his April 15, 2021 exclusion from the Democratic Party based on racial, national origin and gender-based animus. (See Exhibit 3.)

Petitioner Bezis again demands an immediate investigation in the race, national origin, and gender-based discrimination against him by the Democratic Party, including by Mr. Koertzen. By their steadfast refusal to investigate and root out race, national origin, and gender-based exclusion from the Democratic Party, CDP Chair Rusty Hicks and his appointees, other CDP officers, and CDP employees are aiding and abetting such egregious misconduct. The CDP Rules Committee has before it a clear and obvious violation of the CDP Code of Conduct, yet no one in the CDP undertakes the requisite investigatory and remedial action. Just like the Democratic Party of the 1920s, the CDP today in the 2020s systemically engages in blatant overt race, national origin, and gender-based exclusion of individuals from the Democratic Party and then rewards the perpetrators of the discriminatory exclusion with promotions to higher levels within the Democratic Party. Welcome to the openly racist and sexist Democratic Party of Jamie Harrison and Rusty Hicks, supported by a Democratic Party apparatus that with impunity advances and defends exclusion from the Party based on racial, national origin and gender discrimination and then retaliates against those who dare to protest such exclusion.

The Contra Costa County Democratic Central Committee, aided by the CDP Compliance Review Commission, has eviscerated openness and transparency in the Democratic Party.

Petitioner Bezis urges reversal by the CDP Rules Committee and the CDP immediately undertake all other appropriate investigatory and remedial actions (e.g., Code of Conduct).

Respectfully submitted,  
/s/ Jason A. Bezis, Petitioner; registered Democrat (AD 16)

Attachments: Exhibits 1 through 3

Exhibit 1

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Exhibit 1



May 26, 2021

**Re: Challenge Concerning Exclusion of Democrats from Contra Costa County Democratic Central Committee (DPCCC) May 6, 2021 Meeting In Violation of CDP Bylaws & Open Meeting Rule**

Dear Members of the CDP Compliance Review Commission:

**Respondent:** I, Jeff Koertzen (AD14), am currently an Associate Member of the Democratic Party of Contra Costa County but have previously served as County Chair, County Rules Chair, and Parliamentarian. I was also the primary author of the DPCCC Complaint and Due Process Policy and Procedure (CDPPP) [[DPCCC Rules & Procedures](#), pp 8-16].

**Jurisdiction:** No dispute.

**Standing:** I dispute that the Petitioners may submit the challenge on behalf of all Democrats in Contra Costa County (of which I am one). I do not dispute that Petitioners may bring the challenge on behalf of themselves alone.

**CDP Open Meeting Rule**

The CDP Open Meeting Rule requires that *public* meetings of the Party be open. Our regular general membership meeting on the third Thursday of every month is open to the Democratic public and press. It is longstanding DPCCC policy, however, that our subcommittee meetings are *private* where we develop and plan our local political strategies. Appointed committee members are eligible to vote, but other central committee members, including associate members, are permitted to attend and observe. Invited guests are also permitted from time to time. This includes the DPCCC Executive Committee.

Furthermore, Petitioner Bezis' membership in the DPCCC was suspended for one year at the April 15 general membership meeting. After his suspension, Petitioner Bezis was sent an email and a letter by postal mail [EXHIBIT A] to his home address informing him of his suspension, including that he would have the right to attend our general membership meetings like all Democrats, but he would not be able to attend sub-committee meetings unless specifically invited by the committee chair.

Petitioners<sup>1</sup> further claims that the calendar of events on our public website is insufficient notice of county Party meetings. First, he claims that the Executive Committee meeting is "public." Again, we dispute that claim. Attendance at the Executive Committee meeting, as per our policy, is restricted to membership roster of the Democratic Party of Contra Costa County.

Petitioner Bezis further suggests that membership in the DPCCC is restrictive. This is *hardly* the case. Unlike many other county committees, any Democrat in the county may join our roster of membership as an Associate Member. Although we ask a membership fee, the fee may be waived and has for at least one member in particular to my knowledge for the past 10 years having served on the Executive Committee as Controller, County Chair, and Past Chair and now on the Leadership Team as Training Chair.

I must also take offense at his legal citation of *Smith v. Allwright* in which the 1944 Texas Democratic Party disenfranchised black voters through "white primaries." Applying the disenfranchisement of millions of black Americans at the polls to his plight as a privileged white attorney who was kicked out of a Zoom meeting is a stretch at best.

---

<sup>1</sup> Arguably written by Mr. Bezis alone but using the name of Senator Glazer, possibly with permission, to gain "favor" with the CRC and/or to add "credibility" to his claim.

Mr. Bezis repeatedly states that he was given no warning that he would not be able to attend the Executive Committee meeting nor given an explanation after the fact. The Leadership of the DPCCC cannot be responsible for forcing Mr. Bezis to read his emails or letters sent to his home which clearly stated such a restriction [EXHIBIT A].

Furthermore, Mr. Bezis' suggestion that the DPCCC send a notice to all Democrats in Contra Costa County for every meeting is entirely unworkable and cost-prohibitive. The CDP does not send invites to all 22 million Democrats in the state for every convention, committee, or caucus meeting. A suggestion we do so is absolutely absurd and shows the lack of seriousness with which Mr. Bezis, and Senator Glazer by extension, is approaching issues within the County Party.

### **Summary**

The DPCCC Executive Committee meetings are private per DPCCC policy and private political strategy sessions and therefore not subject to the CDP Open Meeting Rule. As a suspended member, Mr. Bezis was not permitted to attend the Executive Committee meeting as was removed from the Zoom meeting in accordance with the notification he was sent by Chair Katie Ricklefs after his suspension. The complaint should be dismissed in its entirety.

Sincerely,

Jeff Koertzen  
Former Chair, DPCCC  
Former Rules Chair, DPCCC

2630 Garden Ave  
Concord, CA 94520

## EXHIBIT A

Mr. Bezis,

This letter serves as formal documentation of your suspension from membership in the Democratic Party of Contra Costa County for one year. As discussed at the disciplinary hearing held on April 15, 2021, it was alleged that you violated the following DPCCC Rules:

- Rule 3.A(b) Willful violation of the DPCCC bylaws, rules, or procedures
- Rule 3.A (h) Publicly advocating that the voters should not vote for, or supporting a non-Democratic candidate who is opposed to, the endorsed candidate of the California Democratic Party for any office
- Rule 3.A.(i) Giving support or avowing a preference for a candidate of another party (1) in a partisan race; or (2) in a non-partisan race in which a Democratic candidate endorsed by the DPCCC is competing

At the hearing, held in compliance with the DPCCC Complaint & Due Process Policy & Procedure (CC-P-1005), the Regular Members of the Committee found that the charges against you were proven by a vote of 35-3. The Regular Members of the Committee, by a vote of 32-7, then sustained the recommendation of the CDRC that your membership in the DPCCC be suspended for one year. The suspension was effective immediately and expires on April 15, 2022.

During the suspension you will *not* enjoy any benefits of membership in the DPCCC, including:

- The right to serve as an alternate or to vote as a credentialed alternate
- The limited right to participate in general membership meetings, as defined in the DPCCC Bylaws
- The right to serve on committees
- The right to attend committee meetings (unless specifically invited by the chair of the committee for a single meeting)

You will, however, retain your rights as any Democrat in the county which includes the right to attend general membership meetings as a guest observer. Because you were not appointed as a central committee delegate to the CDP, the suspension does not affect your DSCC membership.

As requested by the membership, I have attached the roll call votes that were taken during the hearing. I must remind you that the policy requires that the details of the hearing as well as the attached documents remain strictly confidential.

In spite of everything that has occurred, I want to assure you that I value your input and insight.

Sincerely,

Katie Ricklefs, Chair  
Democratic Party of Contra Costa County

Exhibit 2

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Exhibit 2

# Democratic Party of Contra Costa County

## Membership meeting minutes

April 15, 2021

### Regular Member attendance

For full details of attendance, see the attendance spreadsheet: [attendance.contracostadems.com](https://attendance.contracostadems.com). Members are also invited to view this sheet live during meetings, to ensure Regular Member attendance is recorded correctly. The sheet can be viewed in any web browser or through the Google Sheets mobile app.

Associate Member attendance is not recorded, as Associate Members have no attendance obligation.

A capture of the attendance sheet for this meeting is reproduced below for convenient reference.

Seat desc	Member	Alternate	2021-04-15
Publicly elected District 1 - Seat 1	Maria Alegria	Myrna Lopez	Member attended
Publicly elected District 1 - Seat 2	Genoveva Calloway	Madeline Kronenberg	Member attended
Publicly elected District 1 - Seat 3	Mister Phillips	Oscar Garcia	Member attended
Publicly elected District 1 - Seat 4	Gabe Quinto	Neil Tsutsui	Alt attended
Publicly elected District 1 - Seat 5	Cesar Zepeda	(open)	Member attended
Publicly elected District 2 - Seat 1	Sarah Butler	Tandra Ericson	Member attended
Publicly elected District 2 - Seat 2	Diddo Clark	Jim Donnelly	Member attended
Publicly elected District 2 - Seat 3	Susan Hildreth	Fran Gibson	Both attended
Publicly elected District 2 - Seat 4	Brodie Hilp	Sharon Goldberg	Both attended
Publicly elected District 2 - Seat 5	Katie Ricklefs	Brad Kent	Both attended
Publicly elected District 2 - Seat 6	Renee Zeimer	Cecilia Minalga	Member attended
Publicly elected District 3 - Seat 1	Thuy DaoJensen	Linda Smith	Member attended
Publicly elected District 3 - Seat 2	Nichole Gardner	(open)	Unexcused absence
Publicly elected District 3 - Seat 3	Tony Tiscareno	Charles Richard	Member attended
Publicly elected District 3 - Seat 4	Debra Vinson	Odessa Lefrancois	Member attended
Publicly elected District 4 - Seat 1	Rebecca Auerbach	Cora Mitchell	Member attended
Publicly elected District 4 - Seat 2	Edi Birsan	Greg Sanborn	Both attended
Publicly elected District 4 - Seat 3	Chuck Carpenter	Pam Aguilar	Member attended
Publicly elected District 4 - Seat 4	Sue Hamill	Joy Pinsky	Both attended
Publicly elected District 4 - Seat 5	Melanie Smith	Jeff Koertzen	Both attended
Publicly elected District 5 - Seat 1	Anamarie Avila-Farias	Ryan Apperson	Member attended
Publicly elected District 5 - Seat 2	Courtney Masella-O'Brien	Amy Scott-Slovick	Both attended
Publicly elected District 5 - Seat 3	Nadine Peyrucain	Tom Lawson	Both attended

Publicly elected District 5 - Seat 4	John Stevens	Bob Parolek	Member attended
State Assembly District 11	Jim Frazier	Paul Flores	Unexcused absence
State Assembly District 14	Tim Grayson	Rebecca Barrett	Unexcused absence
State Assembly District 15	Buffy Wicks	Uche Uwahemu	Alt attended
State Assembly District 16	Rebecca Bauer-Kahan	Marilyn Cachola Lucey	Alt attended
Congressional District 5	Mike Thompson	Suzanne Hatch Schroder	Alt attended
Congressional District 9	Jerry McNerney	Isaac Negrin	Unexcused absence
Congressional District 11	Mark DeSaulnier	Carol Toms	Alt attended
Congressional District 15	Eric Swalwell	Patrick Vanier	Unexcused absence
CDP Director, Region 2	Lynette Henley	Marc Sternberger	Member attended
CDP Director, Region 5	Rocky Fernandez	Margaret Hanlon-Gradie	Member attended
State Senate District 3	Bill Dodd	Jonathan Bash	Alt attended
State Senate District 7	Steve Glazer	Jason Bezis	Alt attended
State Senate District 9	Nancy Skinner	Rita Xavier	Alt attended
Superintendent of Public Instruction	Tony Thurmond	(open)	Unexcused absence
Delta Democratic Club	Julio Mendez	Jim Zesati	Unexcused absence
Democrats of Rossmoor	(open)	Gail Chesler	Alt attended
Diablo Valley Democratic Club	Harry Baker	Victor Ortiz	Alt attended
East Contra Costa Democratic Club	My Collins	Raymond Odunlami	Both attended
El Cerrito Democratic Club	Champagne Brown	Hari Lamba	Member attended
Hercules Democratic Club	Sherry McCoy	Manny De Vera	Unexcused absence
Kensington Democratic Club	Deborah McKenzie	Peter Liddell	Unexcused absence
Lamorinda Democratic Club	Valerie Sloven	Peter Ericson	Member attended
Lambda Democratic Club	Carolyn Wysinger	(open)	Member attended
March Creek Dems	Shannon Skinner	Harry Thurston	Both attended
Pittsburg Democratic Club	Merl Craft	De'shawn Woolridge	Unexcused absence
San Ramon Valley Democratic Club	Richard Adler	Bryan Lawver	Member attended
West County Democratic Club	(open)	Sheryl Lane	Unexcused absence
Contra Costa Young Dems	Cody Keller	Gian Panetta	Member attended
1st Vice Chair	Susana Williams	(open)	Member attended
2nd Vice Chair	Joey Smith	(open)	Member attended
Secretary	Kenji Yamada	Alexandria Rubio-Talavera	Member attended
Controller	Marshall Lewis	(open)	Member attended
District 1 Director	Michael Nye	Harpreet Sandhu	Member attended
District 2 Director	Tom Duckworth	Ryan Buckley	Member attended
District 3 Director	Carolina Villaseca	(open)	Member attended
District 4 Director	Colleen Awad	(open)	Member attended
District 5 Director	Dan Leahy	Taylor Sims	Member attended

## Motions

For full details of motions and their vote counts, see the motions spreadsheet: [motions.contraacadems.com](https://docs.google.com/spreadsheets/d/1T5OhtaUDu2Ren_eBf-SRKqYmcsxCr3gbbjGbbqHLshOto/edit?usp=sharing). Members are also invited to view this sheet live during meetings, to be clear what motions are currently on the floor, what stage they are in (e.g. discussion, voting on the question), and to ensure that the text of motions and vote totals are correct. The sheet can be viewed in any web browser or through the Google Sheets mobile app.

A capture of the motions sheet page for this meeting is reproduced below for convenient reference. Any member wishing to verify no significant changes have been made since the meeting may do so by going to the live spreadsheet and viewing File > Version history.

Motion maker	Seconded by	Motion text	Status	Votes in favor	Votes against	% in favor	Notes
Nadine Peyrucain	Brad Kent	Approve agenda.	Passed	Unanimous			
Jason Bezis	N/A	Pull AB 1199 from consent.	Passed	N/A			
Issues Committee	N/A	Approve balance of consent.	Passed	32	0	100.00%	
Issues Committee	N/A	Support of Assembly Bill 1199.	Passed	19	5	79.17%	Roll call vote: <a href="https://docs.google.com/spreadsheets/d/1T5OhtaUDu2Ren_eBf-SRKqYmcsxCr3gbbjGbbqHLshOto/edit?usp=sharing">https://docs.google.com/spreadsheets/d/1T5OhtaUDu2Ren_eBf-SRKqYmcsxCr3gbbjGbbqHLshOto/edit?usp=sharing</a>
Nadine Peyrucain	Champagne Brown	Go to Executive Session for Disciplinary Hearing.	Passed	40	3	93.02%	



## General minutes

- Meeting called to order at 7:06pm.
- Quorum established with 43 voting members present.
- Chair appointed Lynette Henley as temporary Parliamentarian.
- Chair noted Courtney Masella O'Brien as representative of the CDRC, having handed her voting credential to her alternate.
- Chair noted Jeff Koertzen as explainer of rules and procedures.
- Point of information raised: Is Robyn Kuslits still Parliamentarian? Answer: She is not appointed as such at this point.
- Objection raised to having a closed session. Respondent in the Disciplinary Hearing declared he was waiving his confidentiality in the matter and demanded an open session for this item.
- Respondent in the Disciplinary Hearing requested that if there is a closed session for the Disciplinary Hearing, that it be voted on as a motion. Chair noted that DPCCC rules require us to hold Disciplinary Hearings in Executive Session (a.k.a. closed session). These rules were approved by DPCCC in Feb 2020, and by CDP in July 2020.
- Noted that this is the month of Ramadan.
- Agenda approved.
- Chair reported sending three congratulation letters to recently elected and appointed Dems:
  - Secretary of Health and Human Services Xavier Becerra.
  - Senator Alex Padilla.
  - Attorney General Rob Bonta.
- Chair has convened Club leaders and others to discuss mobilizing against the recall of Gov. Newsom. CDP has asked for Clubs and Central Committees to pass resolutions against the recall; several of our chartered clubs have done this. Several public officials have also signed against the recall. These are mainly to show a united front against the recall.
- CDP convention is April 29 - May 2. Chair requests that any CDP delegates for DPCCC who are not planning to attend contact her ASAP.
- CDP is collecting names of Democrats who have died recently to commemorate their names at convention. Any in Contra Costa should be sent to [secretary@contracostadems.com](mailto:secretary@contracostadems.com) by 5pm tomorrow.
- Asm. Bauer-Kahan and possibly Rep. Swallow will speak at our May meeting. Asm. Skinner and possibly Rep. McNerney in June.
- Request to agendaize for Executive Committee getting elected Dems to sign against the recall, and polling Democrats endorsed in the past on what their position has been on the recall.
- Request for announcement that DPCCC will elect members of the CDP Executive Board. Chair noted that this is on the agenda. Chair said this election will be in either May or June. Maria Alegria has been asked to draft a process for this, possibly considering geographic distribution, gender, etc.
- Controller Marshall Lewis showed the Treasurer's Reports for Jan and Feb 2021. One check had been missing from the Jan report earlier, so it is being re-reported. Showed [website for upcoming DPCCC fundraiser auction](#). Bidding opens May 14, closes May 23. Fundraising Chair Sue Hamill announced that DPCCC is accepting items for the auction. Fundraising Committee is working on swag sales.
- District Directors.
  - Michael Nye, D1. Temporary steering committee is set up to talk to their electeds. It was found that one had signed in favor of the recall.
  - Tom Duckworth, D2. Working to contact electeds to find out if they are for or against the recall, if they will help in the auction, etc. Expect to finish by end of month.

- Carolina Villaseca, D3. Rep. McNerney held a town hall and Q&A with Mark Zuckerberg. Further activities of Rep. McNerney. City Council activities. Marsh Creek Dems upcoming event this Sunday.
- Colleen Awad, D4. D4 meeting was held last Sunday. It emerged that there is a thirst for more of an information hub. Some members want to hold elected Dems accountable and hear what they are doing for us at City Council, Sup levels. Some Councilmembers want to be able to share the good things they are doing with DPCCC membership. Colleen is considering some ideas for this. MDUSD board members have received recall notices. So far the effort is online. They will advise if it turns more serious. MDUSD passed a res recognizing Arab American Heritage Month for the first time. Concord City Council passed a \$5/hr hazard wage for workers at major grocery stores, and has started the process of selecting a new Master Developer for the Naval Weapons Station. Clayton held an AAPI solidarity reality.
- Dan Leahy, D5. Working with electeds on both the auction and anti-recall. Working on a district steering committee, although it will probably have a different name.
- Chair noted that recording this meeting is not allowed.
- Susan Hildreth, Issues Committee. 1st Vice-Chair Susana Williams said to pull an item from the consent calendar requires one voting member, but each member can only pull one. Chair acknowledged that this was inadvertently done incorrectly at the previous meeting. Susan Hildreth summarized the three resolutions on consent calendar from Issues Committee.
  - Recommend approve: [Support of Assembly Bill 20, The Corporate-Free Elections Act.](#)
  - Recommend approve: [Support of Assembly Bill 1199 to increase transparency by requiring all corporate landlords to report on the identities of their true owners held through LLCs and LPs, and to impose an excise tax on large real-estate corporations that rent out 10 or more properties in California to disincentivize corporate consolidation in the rental market and generate revenue for first-time home-buyer education and affordable-housing preservation.](#)
  - Recommend approve: [Opposition to recall of Governor Gavin Newsom.](#)
- Lynette Henley noted that CDP Legislative Committee is recommending approval of AB 20 and AB 1199.
- AB 1199 pulled from consent.
- Approved balance of consent.
- Approved support of AB 1199.
- Champagne Brown, Club Development. Email has been sent to all club presidents about rechartering. May 1 is the first deadline. Hard deadline is June 1. If a club does not meet this deadline, they will lose their chartering and their voting seat at DPCCC.
- Jeff Koertzen, Training. Requesting new members and any requests for particular training. [training@contracostadems.com](mailto:training@contracostadems.com)
- Cody Keller, Recruitment. DPCCC barbecue is on the calendar for Oct 2. Planning in-person. Starting holiday party planning. Working with swag committee for DPCCC merchandise. Cody is working on an anonymous feedback survey. [recruitment@contracostadems.com](mailto:recruitment@contracostadems.com) to join these discussion.
- Maria Alegria, Rules. April 22, 7pm is next meeting. Trying to increase racial and ethnic diversity of Rules Committee, and get representation from Sup District 3 and 5. Marisol Rubio, appointed co-chair, is contact for this. Appointed Champagne Brown as lead for bylaws, Marisol Rubio for procedures and policies. Planning 4th Thursday of each month as regular date.
- Future agenda items: none.
- Chair requested a motion and 2nd to go to Executive Session for the Disciplinary Hearing.
  - Jeff Koertzen stated that the CDP open meetings rule about requiring a vote to go into Executive Session is about ad-hoc decisions to do this, not correctly agendized sessions. He noted further

that DPCCC's rule requiring this has been specifically approved by the CDP and found in compliance with the CDP open meetings rule.

- Motion raised and seconded to go to Executive Session for Disciplinary Hearing.
- Jason Bezis asked whether the vote of guilty or not would take place in closed or open session. Parliamentarian Lynette Henley said it would be closed session. Jason Bezis objected to this.
- Motion for Executive Session passed by [roll call](#) with **40 yes (93.0233%), 3 no, 5 abstained.**
- Admitted to Executive Session (i.e. allowed to remain, with the rest placed in the Zoom waiting room): Those holding credentials (including respondent Jason Bezis), plus Chair Katie Ricklefs without vote, Courtney Masella O'Brien as CDRC representative without vote, Jeff Koertzen as advisor on procedure without vote. Complainant Kathryn Durham-Hammer was not present. Complainant Robyn Kuslits was not admitted to the Executive Session.
- Resumed open session at 10:33pm, by admitting those in the Zoom waiting room.
- Courtney Masella O'Brien listed the charges that were sustained in the Disciplinary Hearing:
  - Rule 3.A(b) Willful violation of the DPCCC bylaws, rules, or procedures
  - Rule 3.A (h) Publicly advocating that the voters should not vote for, or supporting a non-Democratic candidate who is opposed to, the endorsed candidate of the California Democratic Party for any office
  - Rule 3.A.(i) Giving support or avowing a preference for a candidate of another party (1) in a partisan race; or (2) in a non-partisan race in which a Democratic candidate endorsed by the DPCCC is competing
- Chair reported that the Central Committee found Mr. Bezis guilty of the charges listed above, and that the method of discipline chosen was the recommended discipline from the CDRC, a 1-year suspension. This will be imposed immediately.
- Jeff Koertzen suggested it would be appropriate to report the vote totals, although the roll call is confidential. The Chair agreed. The Secretary reported the vote totals as follows:
  - Is the defendant guilty of the charges? **35 yes (92.1053%), 3 no, 8 abstained.**
  - Impose the discipline recommended by the CDRC (1 year suspension)? **32 yes (82.0513%), 7 no, 6 abstained.**
- Chair Ricklefs invited members to join the Rules Committee to give input on how to improve this process for the future.
- My Collins asked for clarification of the 1-year suspension. Barred from attending, or only from speaking at meetings? Jeff Koertzen said all Democrats are entitled to attend meetings, and Mr. Bezis may still attend, but will not be a member in good standing. Barring his attendance was an option for the method of discipline, but was not chosen by the Central Committee. Like any Democrat attending, he may speak if called on by the presiding officer. [Attendance as a guest at any Committee meetings (other than General Membership), requires invitation from the particular Committee Chair.]
- Champagne Brown moved to adjourn. Adjourned at 10:48pm.

Minutes by Kenji Yamada, Secretary.

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Exhibit 3

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Exhibit 3

**DPCCC**  
**Notice of Complaint and Right to Respond**

Date: January 24, 2022  
Respondent(s): Jason Bezis  
Complainant(s): Carolyn Wysinger, Robyn Kuslits and Jeff Koertzen  
Response Hearing Date: March 3, 2022

**Complaint**

The Complaint and Disciplinary Review Committee (CDRC) has carefully reviewed and considered the complaint against Jason Bezis received on June 28, 2021, and its attached exhibits, from complainants Carolyn Wysinger, Robyn Kuslits, and Jeff Koertzen. The complaint alleges violation of the DPCCC Bylaws; unbecoming conduct; disruption of the Central Committee; violating DPCCC Executive session; Violating DPCCC Executive session by recording session, and Sending harassing email to Central Committee members place of business.

**Allegations**

The complaint alleges that on June 24, 2021, suspended member Jason Bezis sent an email to the San Francisco LGBT Pride Celebration committee meant to harrass Board Chair and DPCCC Associate Member Carolyn Wysinger (See Exhibit 1). The email accused Ms. Wysinger of defaming Jason Bezis in her testimony at his DPCCC Complaint hearing earlier in the year. As a result of that hearing, Mr. Bezis is currently suspended from the DPCCC. In the email, Jason Bezis transcribed information from the DPCCC Executive Session and demanded that he is made whole by her stepping down from the Pride committee. Complainants allege that this email and its contents are in clear violation of DPCCC confidentiality rules, and behavioral violations. Jason Bezis is derelict of duty or responsibility in violation of DPCCC bylaws.

The complaint states on page 2:

“Mr. Bezis behavior violated the confidentiality of Executive session and makes it unsafe to speak truth to power about the oppressive behavior experienced by marginalized groups within the party. DPCCC has already disciplined Mr. Bezis in regards to harassment and behavior that is injurious to the DPCCC and he is continuing the behavior. Because Mr. Bezis has clearly not learned from his suspension and his actions are injurious to the DPCCC, he should be permanently removed from membership.”

Complaints request that Jason Bezis be removed as a member of the Central Committee and be ineligible for future membership.

## **CDRC Recommendations**

The CDRC finds that good cause may exist for discipline under DPCCC Rules & Procedures Section 3(A), for the following reasons: Willful violation of the DPCCC bylaws, rules, or procedures (Section 3(A)(b)); Unbecoming conduct (Section 3(A)(c)); Breach of confidentiality (Section 3(A)(d)); and Harassment of Central Committee members (Section 3(A)(e)).

The CDRC declines to recommend Mr. Bezis be removed from membership as requested by complainants, but does recommend a discipline of suspension from membership in the DPCCC for a period of 2 years. Please note, if the 2 year suspension is not accepted by Respondent, the DPCCC Membership can override this recommendation by voting it down and subsequently voting to remove Mr. Bezis under the DPCCC Bylaws<sup>1</sup> should they see fit.

## **Response Hearing**

A hearing on these charges will be heard by the DPCCC Executive Committee on March 3, 2022 at 7:30 p.m. on Zoom. Respondent will be allowed up to ten (10) minutes to present testimony and evidence in support of their position. (See Rule CC-P-1005 Section 3.1(3)(i).) Respondent may also provide a written response to the Executive Committee. The Executive Committee will vote on the charges and if a majority agrees, the Respondents will be asked to accept the CDRC's recommended discipline. If the Respondent chooses not to accept the Executive Committee's findings, or chooses not to participate, the chair shall place the matter for Disciplinary Hearing on the Central Committee agenda. (See Rule CC-P-1005 Section 3.1(3)(ii).)

## **Disciplinary Hearing**

If necessary, a hearing on these charges will be heard by the DPCCC Membership on March 17, 2022 at 7:00 p.m. on Zoom.

Please note, the Central Committee has the right to supersede the CDRC's recommended disciplinary action and impose any action up to and including removal from membership. Not accepting the recommended action at the Executive Committee means that the Respondent will be subject to the determination of the Central Committee.

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<sup>1</sup> DPCCC Bylaw. Section 8. Removal from Membership. A(2) Cause. Any Member may be removed for dereliction of duty or responsibility as defined by Article II, Section 4 or if their actions are found to be injurious to the DPCCC or the Democratic Party.

## **Response Form**

If you wish to respond to these charges prior to the Response Hearing, please do so by email and send to (1) [dpccc-cdrc@googlegroups.com](mailto:dpccc-cdrc@googlegroups.com), (2) [cdrc@contracostadems.com](mailto:cdrc@contracostadems.com), and (3) [chair@contracostadems.com](mailto:chair@contracostadems.com)

Sincerely,

DPCCC Complaint and Disciplinary Review Committee,  
Courtney Masella-O'Brien  
Richard Adler  
Michael Nye

# **CRC DECISION**



## MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: April 14, 2023

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

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### **INTRODUCTION:**

On May 13, 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 alleged that on May 6, 2021, the DPCCC violated the CDP Bylaws Article XIII, Section 1 (Open Meeting Rules) by excluding Democratic members from the full Executive Committee Meeting which included Mr. Bezis. The Challenger states that he was admitted to the May 6<sup>th</sup> Zoom meeting around 7:00 pm, but was soon removed without explanation at 7:01 pm. He further alleges that he was not readmitted despite his numerous requests to be admitted. At 7:52 pm, Mr. Bezis claims that he sent an email to the Executive Committee members and Regional Directors Lynette Henley and Rocky Fernandez but never received a response. The Challenger details the lack of reason for the DPCCC to hold a closed session based on the Agenda he was provided. The last attempt to rejoin was at 7:55 pm.

The Challengers request the following:

- The CDP instruct the DPCCC to hold future committee meetings in accordance with the CDP Bylaws, Article XIII, Section 1 (Public Meetings) and the CDP Open Meeting Rule.
- The CDP instruct the DPCCC to open all of its public meetings to all members of the Democratic Party, including but not limited to the 370,000 registered Democrats in Contra Costa County who are not paid “members of the Democratic Party of Contra Costa County,” in accordance with CDP Bylaws and the CDP Open Meeting Rule.
- The CDP direct the DPCCC to abide by CDP Bylaws, Article XIII, Section 3 (Notice of Agendas and Meetings) and invite all members of the Democratic Party to the Committees’ public meetings in their meeting notices, not just to paid “members of the Democratic Party of Contra Costa County.”

The CRC would like to note that although originally sent by Mr. Bezis in May of 2021, this matter was erroneously not placed on the agenda until March 2023.

### **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:**

According to CRC Procedural Rules 5(C):

“If, upon review of the challenge of the Proponent(s), the CRC determines that even if all of the alleged facts were true the challenge would still be denied, it may do so without requesting responses. [Examples include but are not limited to: a challenge filed after the deadline without stating good cause; a challenge based on a provision CRC does not have initial jurisdiction over; and/or a challenge that does not state factual allegations constituting the alleged violation.]”

The challenge is deficient in many respects. First, the Challengers do not explain what internal remedies were available and how they were exhausted. Second, the challenge is insufficiently clear as to why, in a matter involving a County Central Committee, the circumstances warrant a finding of jurisdiction and a finding of a potential violation of such severity as to warrant, if proven, the remedy of denial of representation on This Committee or its Executive Board. Given this, the prudential rule urging the CRC not to intervene in County Central Committee matters –

except in limited circumstances – and the fact that the CRC has previously found that Mr. Bezis has exhibited a pattern of being a vexatious litigant under CRC Procedural Rule 5(d), summary dismissal is warranted. With respect to Mr. Bezis’ status as a vexatious litigant, previous challenges submitted by Mr. Bezis against the DPCCC include:

- 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
- August 22, 2020 – Endorsement for the West Contra Costa Unified School District (WCCUSD) Area 5 race (Ruled Vexatious Litigant)
- April 8, 2021 – Open meeting policy and disciplinary trial against Mr. Bezis
- April 22, 2021 - Open meeting policy and vote to suspend Mr. Bezis’ membership
- June 24, 2021 – Election of EBoard Members not held in timely manner per CDP 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. 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.

Notwithstanding the foregoing, the CRC notes that all Democratic Central Committees, including the DPCCC and its Executive Board, are bound by the Open Meetings rule and must notice and hold their meetings in a manner consistent with that rule.

## **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 facially deficient case given that it has determined that Mr. Bezis is a vexatious litigant per CRC Procedural Rules 5(d) & 6.

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 April 26, 2023 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 Wednesday, April 26, 2023, 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

Laurence Zakson, Member, Rules Committee

Nicole Fernandez, Co-Chair, Rules Committee

Valeria Hernandez, Co-Chair, Rules Committee, and Co-Chair of the CRC

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

Paul Seo, 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**

May 13, 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)); CDP Region 2 and 5 Directors Lynette Henley & Rocky Fernandez ([henleyl@aol.com](mailto:henleyl@aol.com); [rocky.fernandez@gmail.com](mailto:rocky.fernandez@gmail.com)); Contra Costa County Democratic Central Committee Chair ([ktricklefs@gmail.com](mailto:ktricklefs@gmail.com))

Re: Challenge Concerning Exclusion of Democrats from Contra Costa County Democratic Central Committee (DPCCC) May 6, 2021 Meeting In Violation of CDP Bylaws & Open Meeting Rule

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

Petitioners, the Honorable Steven M. Glazer, State Senator (SD7), and Jason A. Bezis, (AD16) are registered Democrats in Contra Costa County. Senator Glazer is an *ex officio* member of the Contra Costa County Democratic Central Committee (DPCCC). Mr. Bezis is an alternate/associate member of DPCCC who is the subject of a wrongful exclusionary action by the DPCCC (see pending Bezis/Clark challenge to California Democratic Party dated April 8, 2021 and pending Glazer/Bezis challenge to California Democratic Party dated April 22, 2021).

Senator Glazer and Mr. Bezis submit the challenge that follows on behalf of themselves and Contra Costa County's other 370,000 registered Democrats adversely affected by the DPCCC's exclusion of Democrats from its public meetings, especially its limited invitations in meeting notices only to paid "members of the Democratic Party of Contra Costa County." (See Exhibit B.)

In violation of the CDP Open Meeting Rule and CDP Bylaws, Article XIII, Section 1, the DPCCC Executive Committee wrongfully excluded members of the Democratic Party from its May 6, 2021 meeting. Petitioner Jason A. Bezis has been a registered Democrat since 1991 and a registered Democrat in Contra Costa County since 2004. Mr. Bezis was briefly admitted to the

DPCCC's May 6, 2021 Zoom meeting, but soon thereafter he was removed, without notice or explanation. He was not re-admitted to that meeting despite his numerous requests to be admitted. Mr. Bezis has protested his exclusion to DPCCC leaders and to the two CDP Regional Directors who represent Contra Costa County (Exhibit F). DPCCC barred and expelled Mr. Bezis from the May 6, 2021 DPCCC meeting in violation of CDP Bylaws and rules.

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" on May 6, 2021 and served it upon the required parties on May 13, 2021.

### **Jurisdiction**

The State Party Compliance Review Commission has jurisdiction over this complaint because it concerns violations of CDP Bylaws, Article XIII, Section 1 (Public Meetings), Section 3 (Notice of Agendas and 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: (1) final say on Procedural Complaints, which cannot be appealed to the Central Committee and (2) a gatekeeper function for Disciplinary Complaints. DPCCC's Executive Committee itself, yet again, has abused its discretion and its authority under CDP/DPCCC rules. See the Bezis/Clark April 8, 2021 CDP challenge against the DPCCC Executive Committee's pattern and practice of violating CDP Bylaws, Article XIII, Section 1 and the CDP Open Meeting Rule by excluding Democrats to conduct improper "closed sessions." Therefore, DPCCC's local remedies are inadequate and exhausting them would be futile.

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## **CDP Bylaws (Public Meetings, Notice of Agendas and Meetings) and 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:

The Democratic Party is the party of inclusion. The Party’s so-called “open meetings rule” is intended to promote the principle that all members of the community who identify with the Democratic Party should be afforded meaningful, realistic and practical opportunities to access and, where applicable, participate in the Party's meetings, functions and events. This means that Democratic Party organizations should undertake all reasonably practicable steps to ensure that their public meetings are open to all members of the Democratic Party ... (p. 1, emphasis added)

All meetings of the Democratic Party, at all levels, should be considered public meetings, with very few exceptions ... The purpose of the open meetings rule is to ensure that the affairs of the Democratic Party are conducted in a manner that is transparent and allows all Democrats, and others in the public, a full and fair opportunity to see and understand how the Democratic Party makes its decisions.” (p. 5.)

DPCCC is a level of the Democratic Party. It is subject to CDP Bylaws, Article XIII, Sections 1 and 3 and the CDP Open Meeting Rule.

The DPCCC Executive Committee regularly conducts its monthly meetings on the first Thursday of the month, including May 6, 2021. Attached as Exhibit A is a copy of the DPCCC Executive Committee meeting on May 6, 2021. Due to the COVID-19 pandemic, this meeting was held over the Zoom platform. None of the business on the Exhibit A agenda concerns matters that the CDP Open Meeting Rule states could be appropriate for closed session: Personnel Issues, Contract Issues, Litigation Issues, Campaign Strategy, or Member Disciplinary and Other Proceedings Involving the Right to Privacy. Even if such matters had been on some part of that meeting agenda, closure of the entire meeting to the all members of the Democratic Party would have been inappropriate under the CDP Open Meeting Rule.

CDP Bylaws, Article XIII, Section 3 (Notice of Agendas and Meetings) states in part, “The time, place and agendas of all public meetings of the Democratic Party on all levels shall be publicized fully and in such manner as to assure timely notice to all interested persons.” The



DPCCC website has a calendar of events. Attached as Exhibit B is a true and correct screenshot image of the DPCCC calendar entry for its May 6, 2021 Executive Committee meeting, captured on May 6, 2021 during that meeting. It states in relevant part: “Executive Committee Thursday, May 6 – 7:00 – 9:00 pm Monthly on the first Thursday The DPCCC Executive Committee Meeting is open to observers who are members of the Democratic Party of Contra Costa County.” This is not an accurate notice “to all interested persons” of a public Democratic Party meeting, under CDP Bylaws, Article XIII, Section 3. The notice in Exhibit B invites and admits only a very small, exclusive group. There are more than 370,000 registered Democrats in Contra Costa County. An extremely small percentage of them are paid “members of the Democratic Party of Contra Costa County.” Membership in the Democratic Party is a matter of public voter registration. Eligibility of registered Democrats to attend Democratic Party meetings is not subject to paid membership in a Democratic Party organization. (See, e.g., the White Primary Cases against the Democratic Party, *Smith v. Allwright*, 321 U.S. 649 (1944).)

Before 7:00 p.m. on May 6, 2021, Petitioner Jason Bezis used a Zoom link and attempted to join the DPCCC meeting. Attached as Exhibit C is a true and correct screenshot image of the message that Mr. Bezis received from Zoom at 7:00 p.m. It stated in relevant part, “Please wait, the meeting host will let you in soon. DPCCC Executive Committee Meeting. Democratic Party of Contra Costa County.” Mr. Bezis was let into the meeting at or about 7:00 p.m., the designated start time. He saw other participants on the screen and heard a portion of the meeting. However, at or about 7:01 p.m., an unknown agent of DPCCC (possibly DPCCC Secretary Kenji Yamada) removed Mr. Bezis from the meeting. Attached as Exhibit D is a true and correct screenshot image of the message that Mr. Bezis received from Zoom at 7:01 p.m. It stated in relevant part, “The host has removed you from this meeting.” That was the only notice of any form of his exclusion from the meeting. DPCCC has offered no explanation for his exclusion. Mr. Bezis promptly attempted to re-join the meeting at 7:02 p.m. Again, his computer screen said, “Please wait, the meeting host will let you in soon. DPCCC Executive

Committee Meeting. Democratic Party of Contra Costa County.” This time, he was not admitted to the meeting. Later at 7:02 p.m., a message appeared on Mr. Bezis’ computer screen that stated in relevant part, “The host has removed you from this meeting.” Mr. Bezis attempted to join the Zoom meeting repeatedly, but was denied access and barred from the meeting, the last time at 7:55 p.m. (See Exhibit E.)

At 7:52 p.m. on May 6, 2021, Mr. Bezis sent an e-mail to the DPCCC Executive Committee members informing them that he had tried to access the meeting beginning at 7:00 p.m. that evening, but was being excluded from the meeting. Attached as Exhibit F is a true and correct copy of said e-mail that Mr. Bezis sent to the DPCCC Executive Committee and to the two CDP Regional Directors representing Contra Costa County (Lynette Henley, Region 2, and Rocky Fernandez, Region 5) protesting his exclusion from the meeting. As of the date of this challenge to the CDP on May 13, 2021, Mr. Bezis has received no reply or response to the Exhibit F e-mail from the DPCCC Executive Committee or from the CDP Regional Directors.

### **Remedy**

Petitioners request that the CDP direct the DPCCC to hold future DPCCC meetings in accordance with the CDP Bylaws, Article XIII, Section 1 (Public Meetings) and the CDP Open Meeting Rule. Petitioners request that the CDP direct the DPCCC to open all of its public meetings to all members of the Democratic Party, including but not limited to the 370,000 registered Democrats in Contra Costa County who are not paid “members of the Democratic Party of Contra Costa County,” in accordance with CDP Bylaws and the CDP Open Meeting Rule. Petitioners further request that the CDP direct the DPCCC to abide by CDP Bylaws, Article XIII, Section 3 (Notice of Agendas and Meetings) and invite all members of the Democratic Party to DPCCC public meetings in their meeting notices, not just paid “members of the Democratic Party of Contra Costa County.”

Respectfully submitted,

/s/ SENATOR STEVEN M. GLAZER (SD7); /s/ JASON A. BEZIS (AD16)

Petitioners; registered Democrats in Contra Costa County (Attachments: Exhibits A through F)

# EXHIBIT A

## Democratic Party of Contra Costa County

### Executive Committee agenda

May 6, 2021

7pm

#### Logistics

<https://us02web.zoom.us/j/87233553186?pwd=V0s3dzUrcy9tS1dvTHVOVlVQemwzQT09>

Meeting ID: 872 3355 3186

Passcode: 309273

One tap mobile

+16699006833,,87233553186#,,,,\*309273# US (San Jose)

+12532158782,,87233553186#,,,,\*309273# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Meeting ID: 872 3355 3186

Passcode: 309273

#### Agenda

1. Welcome, introductions, and call to order. (5 minutes)
2. Agenda additions/ approval
3. Approve [open minutes of April 1, 2021](#) and [minutes of April 8, 2021 Exec Comm meeting](#). (5 minutes)
4. Chair Updates: (15 minutes)
  - a. Update from CaDem Convention.

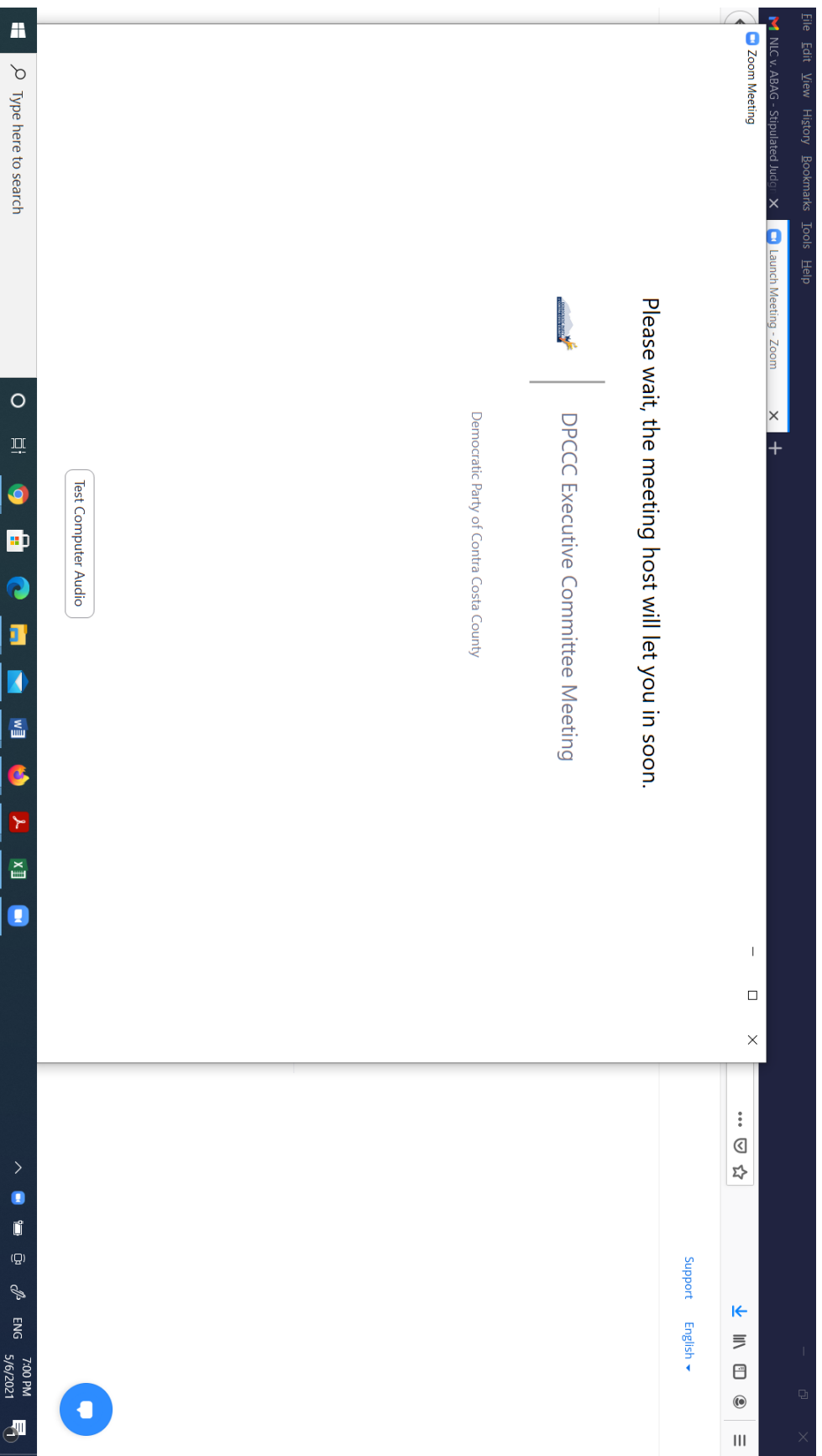
- b. ReCall Update
  - c. CDRC Pipeline
  - d. Work on Value Proposition
  - e. League of Women Voters - Braver Angels project
5. 1st Vice-Chair Updates: (15 minutes)
    - a. First 100 Days
    - b. Issues for May 20 DPCCC approval - Susan
    - c. Elections/Candidates - Chuck
    - d. MOE/PDI update - Kathleen
  6. 2nd Vice-Chair Updates: (15)
    - a. BLM Update
    - b. Clubs Development - Champagne
    - c. Membership - Cody
    - d. Training - Jeff
  7. Past-Chair: (5 minutes)
    - a. Rules Committee
  8. Controller Updates: (10 minutes)
    - a. Budget
    - b. Fundraising
  9. District Directors Updates: (10 minutes)
  10. Review and approve [May 20, 2021 General Membership agenda](#). (10 minutes)
    - a. Written reports needed from District Directors.
  11. Adjourn

# EXHIBIT B

The screenshot shows a Google Calendar interface for the week of May 2, 2021. A meeting event is highlighted on Thursday, May 6, 2021, at 4:30 PM. The event is titled "Executive Committee" and is scheduled for Thursday, May 6, from 7:00 AM to 9:00 PM. The event description states: "The DPCCC Executive Committee Meeting is open to observers who are members of the Democratic Party of Contra Costa County. All Leadership Team Members will receive agendas 7 days before the meeting by email. For information send email to [secretary@contracostadems.com](mailto:secretary@contracostadems.com)". The event was created by [contracostadems@gmail.com](mailto:contracostadems@gmail.com). The calendar also shows other events like "Alameda C" at 4:30 PM on May 6 and "Cinco de Mayo" on May 5. The interface includes navigation controls, a search bar, and a task list on the left side.

File Edit View History Bookmarks Tools Help  
Democratic Party of Contra Co X Google Calendar - Week of Ma X +  
https://calendar.google.com/calendar/u/0/r/week?eid=MTFhZkZlNkcg5qMGdnOwWcm1vYDdndm9lOThtMjAyMjA1MDQUMDwwMDAwWtB: ...  
Calendar Today May 2021 Week  
Create  
May 2021  
S M T W T F S  
25 26 27 28 29 30 1  
2 3 4 5 6 7 8  
9 10 11 12 13 14 15  
16 17 18 19 20 21 22  
23 24 25 26 27 28 29  
30 31 1 2 3 4 5  
Search for people  
My calendars  
Jason Bezis  
Birthdays  
Reminders  
Tasks  
Other calendars +  
Holidays in United States  
Terms - Privacy  
Type here to search  
7:05 PM 5/6/2021

# EXHIBIT C (May 6, 2021, 7:00 p.m.)



# EXHIBIT D (May 6, 2021, 7:01 p.m.)

The screenshot shows a web browser window displaying a Zoom meeting page. The address bar contains the URL: <https://us02web.zoom.us/j/8723353186?pwd=V0S3dUJrG9JS1dVlHVQVVOemwZlT09#success>. The Zoom logo is visible in the top left corner of the page content. A modal dialog box is overlaid on the page with the following text: "Leave meeting", "The host has removed you from this meeting.", and "OK (4)". Below the dialog box, the text "Don't have Zoom Client installed? Download Now" and "Having issues with Zoom Client? Join from Your Browser" is visible. At the bottom of the page, there is a copyright notice: "Copyright ©2021 Zoom Video Communications, Inc. All rights reserved. Privacy & Legal Policies". The Windows taskbar at the bottom shows the time as 7:01 PM on 5/6/2021.

# EXHIBIT E (May 6, 2021, 7:55 p.m.)

The screenshot shows a web browser window with the Zoom logo and a URL: <https://us02web.zoom.us/j/87233553186?pwd=V0s3dUJrg9lS1dVlHV0VWQemwZl09#success>. A 'Leave meeting' dialog box is open, displaying a warning icon and the text: 'The host has removed you from this meeting.' Below the dialog box, there is a message: 'Don't have Zoom Client installed? Download Now' and a link: 'Having issues with Zoom Client? Join from Your Browser'. The footer contains the text: 'Copyright ©2021 Zoom Video Communications, Inc. All rights reserved. Privacy & Legal Policies'. The browser's taskbar at the bottom shows the time as 7:55 PM on 5/6/2021.



## EXHIBIT F

**From:** Jason Bezis <jbezis@yahoo.com>  
**To:** secretary@contracostadems.com <secretary@contracostadems.com>; Katie Ricklefs <chair@contracostadems.com>; officers@contracostadems.com <officers@contracostadems.com>; districtdirectors@contracostadems.com <districtdirectors@contracostadems.com>  
**Cc:** Lynette Henley <henleyl@aol.com>; Rocky Fernandez <rocky.fernandez@gmail.com>  
**Sent:** Thursday, May 6, 2021, 7:52:10 PM PDT  
**Subject:** DPCCC Executive Committee Meeting - May 6, 2021

To Chair Ricklefs, Secretary Yamada, and Contra Costa County Democratic Central Committee Executive Committee members:

I have made numerous attempts to attend the Contra Costa County Democratic Central Committee meeting tonight, but someone apparently is excluding me from the meeting. I was able to log into Zoom at 7:00 p.m. and heard a bit of the discussion. But then, without notice, the Zoom stream stopped and a message appeared that stated, "The host has removed you from the meeting." I have attempted to log in again, but this time I did not get admitted into the meeting. Again a message stated, "The host has removed you from the meeting."

I have been a registered Democrat in Contra Costa County for nearly 17 years, since 2004. On that basis, I am permitted to observe public meetings of the Democratic Party, including those in Contra Costa County, under the express terms of the California Democratic Party Open Meeting Rule.

See: <https://cademorg-media.s3.amazonaws.com/wp-content/uploads/2020/06/03130904/CDP-Cmte-Rules-Statement-OpenMeeting-18-07-14.pdf>

All of you as Executive Committee members are hereby on notice of violation of this California Democratic Party rule. I am copying CDP Regional Directors Lynette Henley (Region 2) and Rocky Fernandez (Region 5) on this message.

Page 5 of the CDP Open Meeting Rule states in part, "The purpose of the open meetings rule is to ensure that the affairs of the Democratic Party are conducted in a manner that is transparent and allows all Democrats, and others in the public, a full and fair opportunity to see and understand how the Democratic Party makes its decisions."

The Contra Costa County Democratic Party is, yet again, abusing the Zoom electronic forum, to control content of meetings and bar participation by disfavored members. What your Executive Committee has done to me tonight is the functional equivalent of physically removing a registered Democrat from a meeting venue and then locking the doors to prevent a registered Democrat's access to a "public" meeting.

The Open Meeting Rule re-states a CDP policy on page 9:

The Democratic Party does not discriminate in its openness of meetings, its membership, oaths or tests of loyalty, or in registration based upon race, color, creed, national origin, sex, age, religion, ethnic identity, sexual orientation, persons with disabilities as defined by the Americans with Disabilities Act of 1990 or economic status.

I believe that the Contra Costa Democratic Party -- including and especially its Executive Committee -- is discriminating against me in its openness of its meetings and its membership based on my race, color, creed, national origin, sex, religion, ethnic identity and/or sexual orientation. The so-called "deliberations" at the April 15, 2021 DPCCC meeting were blatantly discriminatory against me on many of these bases. The Contra Costa County Democratic Party, acting by and through you, its leadership, has clear contempt for the CDP Code of Conduct.

I ask for immediate rectification of exclusion of Contra Costa County registered Democrats (including and especially me) from DPCCC meetings in violation of the CDP Open Meeting Rule.

Sincerely,  
Jason Bezis  
Lafayette, Calif.

# **AMAR SHERGILL**

## **APPEAL**

## **Appeal of April 14, 2023 Decision of the Compliance Review Commission re the Challenge**

**Filed by Amar Shergill and 85 Signatories**

### **The following are facts admitted by the Party in the CRC Decision:**

1. Some voters appeared in person to vote at ADEMs and their ballots were unverified.
2. Some unverified ballots were reviewed by PDI staff and counted.
3. Some unverified ballots were reviewed by PDI staff and rejected.
4. Some unverified ballots were reviewed by Party staff and counted.
5. Some unverified ballots were reviewed by Party staff and rejected.
6. The Party has not explained how or why some ballots were rejected or accepted.
7. 1061 ballots remain unverified due to unknown standards applied by PDI and Party staff.
8. The Party has not shared the voter information for the ballots that remain unverified to allow the Challengers to determine whether the ballots should be verified or unverified.

### **The following are facts which the Party has not admitted but the data is revealed through scanned ballots published by the Party<sup>1</sup>:**

1. In many districts, unverified/rejected ballots are overwhelmingly votes for Sikh candidates.

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<sup>1</sup> The data described below is derived from the scanned ballots published by the Party matched with the candidate list published by the Party. As this Appeal document is limited to five pages, the full data set cannot be provided here. However, we are happy to provide this data or to meet with Rules Committee members to review the data via Zoom prior to our hearing.

2. In districts with at least one Sikh candidate, the ballot rejection rate is 27% as compared to 14% in other districts. Meaning those voting for a Sikh candidate were twice as likely to have their ballots rejected.
3. In AD 10, 100% of rejected ballots were votes for Sikh candidates.
4. In AD 13, 98% of rejected ballots were votes for Sikh candidates.
5. In AD 20, 93% of rejected ballots were votes for Sikh candidates.
6. In AD 22, 84% of rejected ballots were votes for Sikh candidates.

### **Violation of Party Bylaws Through Discriminatory Outcome**

We make no argument in this Appeal that the Procedures must be discriminatory in order to find a Bylaw violation. It is the application of seemingly valid Procedures that yielded an outcome which violated the Bylaws. The Executive Board that approved the Procedures simply could not have contemplated that the software and standards used by the Party to review in-person ballots would be so capricious and arbitrary as to exclude entire categories of voters. CDP Bylaws, Article XIII, Section 1 states,

*“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.”*

Assembly Delegate Election Meetings (ADEMs) are a ‘*public meeting*’ of the Party described in the above-quoted Section. When one group of Democrats is excluded from meaningful participation, i.e. their votes are not counted, the meeting is not ‘*open*’ to them.

Failing to count the ballots of immigrant voters at far higher rates than other voters is a clear violation of our Bylaws. To say otherwise would permit the Chair to simply instruct staff to not count the ballots of South Asians, because their participation is not protected in the Bylaws. Of course, this is nonsensical. If any group of ballots of a protected group are rejected at a higher rate due to process, the Bylaws have been violated. The California Democratic Party must treat everyone equally, consistent with our stated values.

The CRC Decision asks two purportedly determinative questions on page 5; both are irrelevant. It is irrelevant that the Party followed the Procedures that it created. What is relevant is whether the application of the Party's Procedures discriminated against some voters, making it more difficult for them to vote and, if they did vote, more difficult for their vote to be counted. The standard in any civil rights litigation is not that the law must be proven to be discriminatory but, instead, that the evidence support that the outcome of the application of the law discriminates against certain voters. The outcome of the ADEMs clearly discriminated against a protected group.

The above-described data regarding Sikhs is not provided to show that the Party has specific animus against Sikhs. It is instead provided because Sikh names are readily identifiable in the candidate list and the votes for those candidates are readily identifiable in scanned ballots through the candidate number. This data is an excellent proxy for immigrant voting writ large. As described in more detail in the underlying Challenge, data also shows that districts with more voters of color had higher ballot rejection rates.

## **The Mechanism Through Which The Party Violated The Bylaws**

Let us be clear, the Party did not set out to violate the Bylaws. The Executive Board voted for Procedures that seemed fair. It was the rigidity of an automated system and a yet unknown and undescribed secondary review process by unknown staff that yielded a discriminatory outcome. There is ample anecdotal evidence that the online process was needlessly complicated, rejected voter registration attempts at too high a rate, and was nearly impossible to navigate for those with limited English skills. It is also simple common sense that many of those voters would choose to appear in-person when online attempts failed. Finally, it follows that those same voters would have difficulty navigating the post-election verification process. However, we need not investigate these matters. It is enough to know that immigrant votes were rejected at far higher rates, silencing their voices, and making it more difficult for their candidates to be elected.

## **A Simple Remedy**

Thankfully, there is an exceedingly simple remedy that need take only a few hours for teams of volunteers in targeted districts. Although we cannot expect the Party to overturn the entire ADEM election despite the obvious prejudice to immigrant communities, we can review the ballots that were unverified on the day of the election and those that remain uncounted even today. We can ensure that as many votes as possible are counted based on a 'reasonable match' with the voter file. Further, we can provide special outreach to voters and language assistance to permit them to validate their ballots. It is likely that the entire population of

ballots to be reviewed is quite small since many are obviously invalid as non-Democrats, and many more are in races that would not change regardless of the outcome.

### **Your Decision**

We ask the Rules Committee to state as follows:

1. The Party's published data indicates a discriminatory outcome for some voters;
2. The CDP Bylaws for open meetings was violated since all voters were not able to participate equally and have their votes counted;
3. The ballots that were unverified on the day of election should be reviewed to determine if the voter data is a substantial match with the voter file;
4. Voters with ballots that remain unverified after the review in #3 should be contacted with language and computer assistance to verify their ballots;
5. The small group of candidates that may have their election outcomes altered should be granted access to the ballots and voter files in question, but under strict privacy guidelines;
6. Final determination regarding the substantial match of ballots to the voter file should be made by a committee of five with one member of the committee appointed by each of the following: Party Officers, Rules Committee Members, Chicano-Latino Caucus Officers, Progressive Caucus Officers, African American Caucus Officers.

This Appeal is submitted by Amar Shergill on behalf of himself and the 85 Signatories to the Challenge.



April 26, 2023



# **CRC DECISION**

M E M O R A N D U M

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: April 14, 2023

RE: **DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO A CHALLENGE FILED TO THE CONDUCT OF THE ASSEMBLY DISTRICT ELECTION MEETINGS (ADEMs)**

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**INTRODUCTION:**

On February 15, 2023, Amar Shergill, Assembly District 10 candidate, filed a challenge along with 85 signatories relating to the process of the Assembly District Election Meetings (ADEMs). The challenge questions the validity of the ADEMs elections and alleges that the ADEMs process is inherently flawed, that the Party discriminated against immigrant voters and immigrant candidates, and that the Party supported/endorsed a slate of candidates through willful distribution of intellectual property and/or refusal to seek an end to theft of intellectual property. According to the Challenger, in districts with at least one Sikh candidate on the ballot, 27% of ballots were not counted while other districts had only a 14% rejection rate. The Challenger also asserts that the AAPI, Latino, and other immigrant communities were also disproportionately disenfranchised.

An amendment to the original challenge was filed on February 23, 2023; the amendment was submitted to make it clear that the 85 signatories listed in the initial challenged were not party to, nor did they join in, the portion of the challenge submitted by Mr. Shergill which alleged the theft of intellectual property, and called for the resignation of Rusty Hicks.

Staff notes that even before the amendment, the 85 signatories were included with the challenge submission but not signed as a Challenger.

The challenge calls into question the following allegations:

1. Some voters who did not receive a ballot and were not able to attend to vote in-person had their request for a replacement ballot denied.
2. Some ballots were sent during a natural disaster, and some ballots were sent to non-deliverable physical addresses instead of the mailing address that was given to the Party.
3. Some persons who were eligible to vote received their ballots at a time so close to the deadline that they were unable to return the ballot before the January 31, 2023 deadline and the Party refuses to publicize and/or count such ballots that were postmarked on or before January 31.
4. By creating a voting process that is harder for one group than another, the ADEMs process violates CDP By-Laws Article XIII, Section 1.
5. Where there was a higher percentage of voters of color in a district, it was more likely that ballots in the district would not be counted.

6. According to the Challenger, the CDP received 1,402 in-person ballots that were classified as unverified and not counted due to voter's entries into an online form that did not exactly match their voter record.
7. The CDP has refused to provide the Challenger with requested evidence which the Challenger alleges exists in-house and which the Challenger asserts would demonstrate negligence and/or discrimination in the ADEMs process.
8. Lastly, according to the Challenger, the Progressive Caucus informed the CDP of unknown associates of the Chair committing fraud on voters by using a website called 'CADem4All.com,' which, the Challenger asserts, was intended to confuse voters about the site's association with the CDP, but no action was taken in response to this information. The Challenger claims that this resulted in a violation of CDP By-Laws Article VIII, re: endorsements, and Article VIII, Section 1.d re: violation of the Party's one-voice rule.

The challenge requests the following:

1. The Challenger requests to have all unverified ballots and all ballots verified upon secondary review, be reevaluated to determine if the information provided by the voter in the online form substantially matched their voter file. All votes that are substantially matched should be counted and results amended.
2. Every voter who contacted the Party for a replacement ballot should be provided an additional opportunity to vote.
3. All ballots that were postmarked on or before the January 31, 2023 deadline should be counted.
4. The CRC should recommend that Chair Rusty Hicks resign rather than invalidating the entire ADEMs election.
5. The CRC should order all invalid ballots be tallied and included in the count.

Staff received no testimony in support of Mr. Shergill's challenge, nor additional evidence to substantiate the allegations made.

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

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

1. Challenge by Amar Shergill with an additional 85 signatories submitted to the CRC on February 22, 2023.
  - a. Exhibit A- ADEMs 2023 Ballot for those that were unable to vote (Responses)
  - b. Exhibit B - Data alleging discrimination in ADEMs
  - c. Exhibit C - 1.14.23 Letter to Party Officers re fraud by Chair's associates
  - d. Exhibit D - 1.19.23 Progressive Caucus email
  - e. Exhibit E - 2.13.23 Letter to CADEM re uncounted ballots
2. Amendment to the Challenge submitted by Amar Shergill on February 23, 2023
3. There were no responses supporting or opposing this challenge submitted.
4. The 2.15.23 Chair Hicks letter responding to 2.13.23 letter to CADEM re: uncounted ballots. Although not submitted in response to the challenge, at the CRC's request, staff shared the letter with the CRC.

## **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 2022, unless otherwise indicated.)

Mr. Shergill originally submitted a challenge February 15, 2023. On February 17, 2023 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 February 22, 2023, CDP Staff received an updated challenge.

The items challenged relate to: the mailing addresses used, and timeline, for the mailing of ballots; the process for voters who were not registered Democrats at the time they cast their ballot to submit verification of their registration/re-registration to vote as Democrats; the name used by a group of candidates on a website to identify themselves; and the denial of a request by some voters to be mailed a replacement ballot. The deadline for the receipt of ballots and verifications was January 31, 2023. The other events being challenged occurred prior to January 31, 2023. As a result, the latest deadline for any of the Challenger’s challenges was 7 days after January 31, 2023. Mr. Shergill did not file the original challenge within 7 days of the January 31, 2023, and, thus, the challenge was not timely.

By unanimous vote of the CRC, the CRC can find “good cause” to waive the untimeliness of a challenge and to consider it on the merits. Finding it significant that this was the first election with a prolonged and multifaceted election process and, further, finding that the challenge raises important allegations about the selection process used for the selection of a large segment of Convention delegates, the CRC unanimously found that it would be in the best interest of the Party to waive untimeliness and to deal with the challenge on the merits as allowed under Section 4.J of the CRC Procedural Rules.

## **STANDING:**

According to Article XII, Section 3:

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

The CRC finds Mr. Shergill has standing as Mr. Shergill was both a candidate and a voter at the 2023 ADEMs.

## **JURISDICTION**

Article XII, Section 2a states:

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

The CRC finds jurisdiction under Article VI (Assembly District and Assembly District Election Meetings).

## **FINDINGS:**

1. Mr. Shergill alleged that unknown persons whom he asserts, without supporting evidence, to be associates of the Chair had committed fraud on voters by using a website ‘CADem4All.com,’ which he contends was intended to confuse voters into believing that these candidates were endorsed by the CDP. The allegations in this regard were difficult to understand, predicated upon assumptions that were unsupported by any evidence and the Challenger failed to cite to any substantial evidence that the complained-of conduct may have affected the outcome of the election. In such circumstances, the challenge was deemed without merit and dismissed.

2. The bulk of the remaining challenges attacked the design and structure of the ADEMs process. None of these challenges assert, in a concrete argument supported by facts and Bylaws citations, that any element of the design and/or structure of the ADEMs process was inconsistent with CDP Bylaws, and the CRC could discern no basis for such an allegation.

The ADEMs process was approved by the CDP’s Executive Board after an exhaustive hearing process conducted by the Rules Committee. No specific deficiency in the adoption process was asserted nor was any evidence in support of such an argument submitted.

That the process could have been designed to be more accommodating to persons whose first language is not English may be an appropriate basis for prospective changes to the ADEMs, but is not sufficient grounds for setting aside an election or the votes of persons who participated in the ADEMs process and complied with the published procedures. Similarly, a belief that the ADEMs elections would have been better or more inclusive if in-person balloting was not the principal – and, in some cases, the only – back-up for persons who did not receive vote-by-mail ballots or did not receive such ballots in time to return them by mail also may be a legitimate basis for prospective changes, but also fails to constitute sufficient grounds for setting the election aside.

Turning to specific allegations, none was proven to have been so deficient as to warrant setting the election aside.

In 2017, the CRC in a decision regarding the ADEM in AD47, and which applies to this case found that:

“In order to overturn an ADEM result, Challengers must meet the standard which demonstrates in a quantifiable way that the conduct and/or actions complained of

made a difference in the outcome that would not have been present absent that conduct and/or action. The challenge submission made various allegations, however there was no specific quantifiable allegation, which would have resulted in a different outcome.”

Applying the aforementioned CRC’s standards, as noted above, the challenge was fatally deficient in that there was no testimonial or documentary evidence submitted that demonstrated in a quantifiable way that the conduct and/or actions complained of made a difference in the outcome that would not have been present absent that conduct and/or action.

Additionally, despite the close margins in some districts (for example, the Challenger was 3 votes behind the lowest finishing OSIF in his district), the Challenger adduced no evidence that an outcome determinative number of disqualified voters were in fact qualified, nor that they submitted evidence of their qualification.

The CRC is faced with two questions:

1. Were the 2023 ADEMs Procedures a violation of the Bylaws?
2. Were the 2023 ADEMs Procedures violated?

As to the ADEMs Procedures being a violation of the Bylaws, the CRC could not discern any section of the CDP Bylaws that may have been violated based on the information provided in the challenge and by CDP staff.

In accordance with the Bylaws of the California Democratic Party, ADEMs are conducted every two years to elect 14 representatives (per Assembly District) from each of the 80 Assembly Districts to the California Democratic State Central Committee (DSCC) and one representative per Assembly District to the CDP Executive Board (E-Board). Further, the CDP Bylaws provide that the CDP Rules Committee shall promulgate procedures governing how the ADEMs are to be organized and conducted.

It is the practice of the CDP Rules Committee to conduct a review of the ADEMs process with the goal of improving the process in the next cycle. Last year, the Rules Committee undertook a lengthy process to update the ADEMs procedure. The Rules Committee held a series of hearings where they deliberated and heard testimony from delegates on improvements and changes that could be made to improve ADEMs. After an exhaustive hearing process conducted by the Rules Committee, the ADEMs process was approved by the CDP’s Executive Board in accordance with the CDP bylaws.

As to the ADEMs Procedures being violated, the CRC could not discern any section of the procedures that may have been violated based on the information provided in the challenge and by CDP staff.

With the approval of the Executive Board and in accordance with the CDP’s Bylaws, the ADEMs procedures have been significantly restructured twice since the 2019 ADEMs at least in part due to widespread dissatisfaction with the process. The CRC noted that, in July 2020, the E-Board adopted a much-improved process, in hopes of eliminating the need for most challenges, by ensuring that ballots were only cast by eligible voters and making other improvements to address the most common complaints about the process. Due to the unique

challenges of the Coronavirus Pandemic and safety concerns, the procedures were again changed to an all vote-by-mail process. This latter change took place with only a couple of months to design and implement a brand-new system from scratch to implement for the 2021 ADEMs.

The CRC had previously noted that some problems with the 2021 system could have been anticipated and noted that there should be a thorough review of the system, its shortcomings, ideas for improvement and a recommendation of how to conduct the ADEMs for the next cycle in 2023.

And the CRC notes that, in 2022, the Rules Committee again undertook a thorough review of ADEMs procedures with the object of improving security, scalability (due to ever-increasing participation in the ADEMs), and opportunities for participation in a post-pandemic world. Coming out of the pandemic, the Rules Committee also focused on creating a hybrid election process that allowed for the ability to vote by mail or in person; for in person voting, the Rules Committee implemented a vote center model so delegates can cast a ballot at any voting location in the state, and it established a process to allow for undocumented persons to run as candidates for ADEMs. The July 2022 E-Board adopted this upgraded process.

The 2023 ADEMs were the first to be conducted with a prolonged and multifaceted election process. And a great many of claims brought forth in the challenge are more appropriately viewed as critiques of the structure and design of the revised ADEMs procedures.

The demand of the Challenger to count the 1,402 unverified ballots is inconsistent with the ADEMs process and in conflict with the ADEMs procedures approved by the Executive Board.

Moreover, the challenge ignores substantial steps taken by the Party in response to initial concerns about the unverified ballots not being counted. Contrary to the Challenger's assertions significant efforts were made to qualify every voter as Chair Rusty Hicks stated in a detailed letter thoroughly spelling out the efforts that staff undertook during the ADEMs to verify previously unverified ballots in accordance with the ADEMs procedures.

In this regard, the CRC notes the letter from Chair Hicks which tangibly demonstrates the process and procedures used by the Party in a painstaking effort to qualify voters and which explains in detail why, despite those efforts, the votes in question were not counted. Accordingly, the CRC felt it was important to include in this decision the letter's contents in their entirety. The letter states as follows:

February 15, 2023

Congressmember Lee, Congressmember Khanna, Congressmember Porter, et al -

Thank you for your communication of February 13, 2023 regarding the counting of 1,402 unverified ballots in the California Democratic Party's (CADEM's) 2023 ADEM's elections.

We share a commitment of ensuring the voices in our Party continue to reflect the great diversity of California. As such, I and the CADEM Team take the concerns you have raised seriously and herein

provide a detailed response to your communication. Below is an outline of the related issues, applicable procedures, and the actions of CADEM and others to proactively address this matter.

As more clearly outlined below, CADEM has taken every reasonable step possible to ensure every vote is counted - including multiple notifications to and various avenues for all participants to verify their registration and retained the services of Political Data Inc (PDI) personnel specifically to ensure additional steps were taken to verify previously unverified registrations. In light of all it has done, CADEM cannot take further action on this matter at this time.

## **Background**

Following CADEM's 2021 ADEM's elections, Party leaders engaged in a thorough review of the process and sought to revise that process to increase access for historically disadvantaged communities, lower costs for CADEM, and improve the security and integrity of the process. As a result, the CADEM Executive Board accepted a series of updated procedures promulgated by the CADEM Rules Committee at the August 2022 Executive Board Meeting. Among the many improvements for 2023 were (1) the ability to both vote by mail or to vote at an in-person location, (2) the ability to cast one's ballot at any location in the State, and (3) the ability for persons ineligible to register to vote to file as candidates for ADEM Delegate. Since their acceptance, the CADEM Regional Directors, staff, and volunteers have executed the process in line with those procedures.

## **Applicable Procedures Related to Unverified Ballots**

According to the procedures, every participant who sought to vote in the 2023 ADEMs elections either by mail or in-person was required to register to receive a ballot. In response to prior issues of either unregistered or ineligible voters participating in ADEMs elections, registration was directly connected to the PDI voter database to simplify verification of voter registration.

In the event a potential voter was unable to locate their name in the voter database, they were given the option to (1) re-enter the information to secure a valid match with the PDI voter database or (2) choose to verify their registration at a later date by clicking "Verify Later." When a participant selected "Verify Later," they were permitted to vote. However, they were also immediately notified - both on screen and via email - they were required to complete the verification process before the voting deadline on January 31, 2023 for the ballot to be counted.

The applicable procedures related to unverified or "Verify Later" ballots reads as follows:

*"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 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."*

The applicable guidelines and procedures were specific about the manner in which unverified ballots were to be handled. CADEM strictly adhered to that guidance.

### **CADEM's Efforts to Verify Previously Unverified Ballots**

Throughout the 2023 ADEM's elections, CADEM remained diligent in its efforts to notify participants who chose to verify their voter registration at a later date. Specifically, CADEM took two primary actions.

First, CADEM engaged PDI personnel to ensure that they took all appropriate steps to verify previously unverified registration requests without the prompting of the participant. This ongoing process included attempting to match additional details like address, age, or other available demographic data. As a result, of the **1,996** unverified registrations, PDI verified **450** registrants as Democrats. An additional **261** were rejected as registered other than Democrat.

Second, CADEM actively communicated with participants with an unverified registration status via the email the participant provided when they initially attempted to register. CADEM first sent participants an email outlining the steps needed to verify registration, but prepared to communicate more following the final weekend of in-person voting on January 21-22, 2023. In fact, in light of the occasional issues related to the delivery of email communications, CADEM sent multiple emails to increase the odds of delivery to participants.

Below is a summary of the email communications sent directly to participants following the final weekend of in-person voting.

January 24, 2023 Email #1 with the subject line "**ACTION REQUIRED: ADEM Voter Registration Incomplete**" sent to **1,430** participants.

January 27, 2023 Email #2 with the subject line "**ACTION REQUIRED: ADEM Voter Registration Incomplete**" sent to **1,367** participants.

January 30, 2023 Email #3 with the subject line "**DEADLINE APPROACHING: ADEM Proof of Democratic Registration Required**" sent to **1,322** participants.

In addition, while participants were provided with a prescribed process for submitting verification through the ADEM portal, CADEM staff continued to assist participants who emailed or texted verification by uploading the information on their behalf.

As a result of the efforts of CADEM staff, prior to the prescribed deadline of January 31, 2023, an additional **224** participants submitted documentation of registration to CADEM. Of those, **144** participants provided the appropriate documentation from the Secretary of State as required under the guidelines and procedures. They were verified and their ballots were counted.

## Summary

As outlined above, CADEM sought to adhere to the guidelines and procedures required by the CADEM Executive Board. CADEM also went to great lengths to facilitate voter participation in the process. The below provides a summary of initially unverified registrants:

1,996 Total unverified registrations

450 Total unverified registrations verified by PDI staff as Democrats & ballots were counted 144

Total unverified registrations verified by CADEM staff as Democrats & ballots were counted 1,402

Total remaining unverified registrations

261 Total unverified registrations matched as other than Democrats & ballots not counted 80

Total unverified registrations providing insufficient documentation & ballots not counted 1,061

Total unverified registrations who did not provide any documentation & ballots not counted

The 2023 procedures were designed to give all California Democrats a fair and equal opportunity to participate in the 2023 ADEMs elections. In fairness to all participants, these procedures must be strictly adhered to by CADEM. As a result, CADEM is unable to take any further action on this matter at this time.

Further, the process for appropriately engaging the Compliance Review Commission (CRC) is outlined in Section XII of the CADEM Bylaws. If CRC engages in this matter pursuant to that process, CADEM leadership and staff will readily support its review and comply with any decision it makes.

Again, I thank you for your dedication to our shared commitment of building a stronger Party that uplifts and inspires every Californian. I look forward to continuing to work with you in the important fights ahead.

Democratically Yours,  
Rusty Hicks  
Chair

cc: CADEM Statewide Officers

## ORDER:

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

1. The CRC denies the challenge as the Challenger failed to prove that the ADEMs procedures violated the CDP Bylaws. Furthermore, there was not sufficient proof that the ADEMs Procedures were violated.
2. The CRC encourages the Challenger and others listed on the initial challenge letter to attend the first ADEMs testimony hearing at the 2023 May Organizing Convention in Los Angeles to give oral testimony and offer your suggestions on how the ADEMs process can be improved to increase access for both voters and candidates. Your advice and opinions are welcome and appreciated.

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 April 26, 2023 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 Wednesday, April 26, 2023, 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  
Laurence Zakson, Member, Rules Committee  
Nicole Fernandez, Co-Chair, Rules Committee  
Valeria Hernandez, Co-Chair, Rules Committee, and Co-Chair of the CRC  
Lara Larramendi, Co-Lead Chair, Credentials Committee, and Co-Chair of the CRC  
Paul Seo, Co-Chair, Credentials Committee

# ORIGINAL COMPLAINT

## **Challenge to Statewide ADEM Election Results**

**Reference Number 13160543**

### **I. Harm and Remedy**

#### **A) Review Unverified Ballots**

Each of the undersigned was a candidate for Delegate and/or Executive Board in the recent ADEMs. Some were elected and some were not, however, all challenge the election to ensure that every valid ballot is counted. Those that were elected seek to be members of the DSCC based only on fair voting systems and results. Those that were not elected also seek fair outcomes which will result in their election to the DSCC and/or EBoard. They seek to have all unverified ballots, and all ballots verified upon secondary review, be reevaluated to determine if the information provided by the voter in the online form substantially matched their voter file. Those votes that are a substantial match should be counted and the ADEM results amended accordingly.

#### **B) Provide Ballots to Voters That Requested Replacements**

This Challenge is also brought on behalf of voters like Karen Bernal that did not receive a ballot, were not available to vote in-person, and were refused a request for a replacement ballot. Every voter that sought to vote and contacted the Party for a replacement ballot, should now be provided an opportunity to vote yet hundreds, perhaps thousands, remain disenfranchised.

#### **C) Count Ballots Postmarked By January 31**

Some voters received ballots so late that they were unable to return the ballot before the January 31 deadline; all ballots postmarked by January 31 should be counted.

## **II. Evidence**

We note as an initial matter that much of the evidence of the Party's negligence and discrimination during ADEMs is held by the Party and has not been provided to the Challengers despite repeated requests. It is exceedingly difficult to present a case of systemic discrimination where the oppressing Party refuses to provide documents from that system.

### **A) Voters Did Not Receive Ballots and Were Denied Replacement Ballots**

Provided with this challenge is a small sample of thirty-two voters from around the state that did not receive their ballots. (Exhibit A) Many more contacted the Party and were advised that nothing could be done. The burden was particularly high on rural voters, for whom the ballots were often sent, during a natural disaster, to non-deliverable physical addresses instead of mailing address that were also in the possession of the Party. Many of these ballots were destroyed as a matter of course, instead of returned to sender, due to a cheaper postage rate used by the Party. All those voters that contacted the Party and sought a replacement ballot should now be provided an opportunity to vote.

### **B) Ballots Were Delivered Late Making It Impossible for Return Before the Deadline**

The Party received communications from voters that received their ballot arrived late and could not reasonably be expected arrive back to the Party by the January 31 deadline. The Party or its vendors is presumably in possession of these ballots postmarked on or before January 31 but has refused to make this information public. All such ballots should be counted.

### **C) Unverified Ballots Denied Vote to People of Color and Immigrants at Higher Rates**

CDP Bylaws, Article XIII, Section 1 states, *“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.”* When voting is made harder for one group over another, whether purposeful or by neglect, it is a prima facie case of discrimination as much as any poll test or tax in the bigoted South.

Provided in attachments are analyses (Exhibit B) indicating (1) that the higher the percentage of voters of color in a district, the more likely that ballots in the district would not be counted and (2) in districts with at least one Sikh on the ballot, 27% of ballots were not counted while other districts had only a 14% rejection rate. The Sikh data is readily identified due to distinctive candidate names and high Sikh voter turnout in those districts. Further, the Sikh data is likely a valid proxy indicating that AAPI, Latino, and other immigrant communities were also disenfranchised.

This data matched anecdotal evidence that the unnecessarily complex online verification system was essentially undecipherable to those without good English fluency. Although we have no measure of the voters that just gave up, the Party has in its possession Unverified ballots from districts across the state, mostly from Districts where immigrants and people of color reside in large numbers.

It is our understanding that the Party has accepted from voters 1,402 in-person ballots that have not been counted. Many of these ballots are classified as ‘Unverified’ because the voter’s entries into an online form do not exactly match their voter record and were not subsequently authenticated. Further, we are advised that immigrant voters are far more likely to

fail verification due to difficulty navigating the online process or unfamiliarity with the details of the voting file. As an example, it appears the system rejects a ballot when 'Victoria Rodriguez-Alvarez' is entered instead of 'Victoria Rodriguez Alvarez' or when 'Gurinder Singh Dhillon' is entered instead of 'Gurinder Dhillon.'

#### **D) The Party Endorsed a Slate of Candidates Through Permitted Theft of Intellectual Property**

The Progressive Caucus informed the Party on January 14, 2023 (Exhibit C) that unknown associates of the Chair were perpetrating a fraud on voters using a website 'CADem4All.com,' clearly intended to confuse voters that might believe it is part of 'CADem.org' with similar color scheme and graphics. The fact that the website was setup using the Chair's Google account was disturbing but not definitive. The problem is that, once notified that a theft of intellectual property was being used to advantage a slate of Delegate candidates, the Party took no action. (Exhibit D) The use of the Party brand by Delegates with the acquiescence of the Party was a defacto endorsement of the slate of candidates and a significant contribution of funds/goodwill to their campaign. This breach of Bylaws (Article VIII, endorsement outside of Bylaw process; Article VIII, Section 1d, violation of 'One Voice Rule') and organizational ethics was exacerbated by the fact that this slate of candidates did not represent the diversity of the state and, if successful, would have resulted in the decimation of representation by South Asian, Muslims, Sikhs, Hindus, Latinos and likely other marginalized communities. As this failure by the Party reached into every district election result, and to invalidate the entire election is not feasible, the only available remedy is for the CRC to recommend that the Chair to resign.



### **III. Conclusion**

In 2021, the CRC found that late ballots should be counted in fairness to voters despite no clear direction under the Bylaws or election procedures. It was simply a matter of doing the right thing. This decision was made easier by Chair Hicks indicating publicly that the matter should be heard.

This year, the CRC is in a far more difficult position as Chair Hicks ostensibly defends his decision to disenfranchise immigrant voters, rural voters, and voters of color. He further refuses to acknowledge any culpability for his part in permitting a significant theft of Party intellectual property to benefit a specific slate of candidates.

The CRC is being asked to do the right thing once again. (Exhibit E) To empower our most loyal Democrat voters and count their ballots. Put aside whatever pressure you feel to be loyal to those that appointed you and think instead of the immigrant voter that arrived in-person to vote because they did not understand the online form, only to be told that their vote would not count because their voter information did not match and they did not know how to fix it using the online process. Those voters, the ones we rely upon to defeat Republicans, should have their vote honored, not cancelled.

**This challenge is presented by the following Voters, Delegates, Delegate Candidates, EBoard Members, and EBoard Candidates.**

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Adam Kim	adamkimx@gmail.com	19
Juan Vazquez	jjpc21@gmail.com	22
Jordan Eldridge	jordan@jordaneldridge.com	26
Jamie Maraviglia	jamiemaraviglia@gmail.com	30
Roxana L Patterson	poof1967@aol.com	39
Audrey VanDenberg	poetcredit@yahoo.com	39
Margaret Finnstrom	margaretfinnstrom@gmail.com	40
Ellen Finkelpearl	efinkelpearl@gmail.com	41
Denise Robb	denise@panix.com	41
Cindy Montoya	cmontoyadance@gmail.com	41
Ethan Reznik	ace.reznik@gmail.com	41

Maureen Cruise RN	mcrused@aol.com	42
James Albert	jamesalbert36@gmail.com	45
Leah Herzberg	lkhfire@aol.com	46
Jo Ann Bollen	votemorogobasin@gmail.com	47
Pablo Ariza	pablo.ariza@ymail.com	47
Denis P. Recendez	Denis.Recendez@gmail.com	48
Gabriel Ramirez	Ramirez.Gabriel190@hotmail.com	49
Melissa M.	melmiamich@yahoo.com	49
Paul Cole Padilla	paulcolepadilla@gmail.com	49
Katie Chan	katiechannie@gmail.com	49
Bobbi Jo Chavarria	chuzpeace@sbcglobal.net	50
Linda Perez	lindaperez5425@gmail.com	51
Mike Rose	mikeroselosangeles@gmail.com	51
Dr. Suzie Abajian	suzie.abajian@gmail.com	52
Andrew Swetland	andrew.swetland@gmail.com	55
Leah Pressman	leahpressman@sbcglobal.net	55
Cynthia Patino Talmich	cynpatino@gmail.com	56
Ricardo Martinez	ricardomrtez@gmail.com	56
Christine Salazar	christinehsalazar@outlook.com	56
annabella acosta	aacosta@chapman.edu	56
Melissa Ragole	mragele@gmail.com	58
Juan Muñoz	munoz.juan@ucla.edu	62
Maria Estrada	maria4ad63@gmail.com	62
Alfredo Bañuelos	votebanuelos@gmail.com	62
Carmen Perez	Carmen3000p@yahoo.com	62
Margarita García	maggiegarcia174@yahoo.com	62
Lorraine Avila Moore	Lamoore7213@gmail.com	62
María del Pilar Avalos	mpavalos15@gmail.com	62
Lisa Andres	lisa.andres@yahoo.com	63
Joseph Ramirez	joram1024@gmail.com	65
Naida Tushnet	NaidaTushnet62@verizon.net	69
Anne Mohr	jstewart.ent@gmail.com	73
Octavio Aguilar	oaguilar@yahoo.com	76
Karen Bernal	nekochan99@hotmail.com	6

Timestamp	Email Address	Name	Assembly District (numbers only)	Voter PIN	Please describe your experience as a voter, including any communications with the Party or difficulties voting.	Ballot: You may fill in up to 14 bubbles. Your ballot WILL NOT be counted if more than 14 bubbles are filled in.
1/25/2023 20:21:56	ucelalca@gmail.com	Luca de Sanctis Barton	78	78 0 0001162		5, 11, 14, 18, 25, 27, 28, 29
1/25/2023 20:26:29	fleminglaura63@gmail.com	Laura Fleming	41	41-1-0031819		4, 5, 6, 7, 8, 9, 10, 12, 13, 17, 18, 19, 21, 28
1/25/2023 21:11:02	alicia.gaines17@gmail.com	Alicia Gaines	30	3000000447		1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 17
1/25/2023 21:43:13	nekochohan99@hotmail.com	Karen Bernali	6	06-1-0008003		2, 3, 5, 6, 7, 8, 11, 13, 15, 19, 20, 21, 24, 25
1/26/2023 8:30:53	deanapbecker@gmail.com	Deana Becker	55	55-0-0000991	I never got my VBM ballot.	1, 11, 30
1/26/2023 10:26:30	bwaga4@gmail.com	Ben Warga	55	55-1-0014924	I never received a ballot.	2, 3, 4, 5, 6, 8, 10, 13, 14, 18, 19, 21, 25, 30
1/26/2023 10:30:52	milwhaley@me.com	Milton Whaley	3	03-0-0001490	I was notified that I had successfully signed up for a ballot, but as far as I can tell I never came in the mail. So, having just received David Mandel's e-mail, I just requested another from CADEM about 10 minutes ago. I voted for all women on the below ballot, and myself. I was the only endorsed person on the PDN list.	7, 8, 9, 10, 12, 14, 15, 18
1/26/2023 12:28:09	admartrnell@gmail.com	Ava Marinelli	55	55-1-0004780	I never received my mail in ballot.	2, 3, 4, 5, 6, 8, 10, 13, 14, 18, 19, 21, 25, 30
1/26/2023 14:55:37	sethmorrison30@gmail.com	Seth Morrison	14	14-1-0016695	I completed the form to register, received a confirmation email with my PIN but never got a ballot.	1, 2, 10, 19, 20, 21, 22, 24, 27, 28
1/26/2023 20:21:18	elmeretka3@gmail.com	Etika Arteaga	65	65-1-0041822	I did not receive ballots	1, 4, 5, 6, 7, 8, 9, 13, 21, 24, 28, 30, 34, 35
1/26/2023 21:25:37	sailor_sibay@gmail.com	David Rodarm	18	18-1-0018513	I registered to vote by mail and received an confirmation email on December 26, 2022. I did not get a by-mail ballot. On January 26, 2023 I requested a replacement ballot.	4, 12, 15, 16, 17, 18, 24, 25, 26, 29, 30, 31
1/26/2023 21:50:24	bherreraj310@gmail.com	Beatriz Ponce	65	65-1-0041822	Did not receive ballot	1, 4, 5, 6, 7, 8, 9, 13, 21, 24, 28, 30, 34, 35
1/27/2023 8:29:34	ellen.weich@gmail.com	Elien Weich	47	47-1-0002798	On 1/17/23, I received an email from ADEM saying that I had registered successfully and that I would receive my mail-in ballot @ my mailing address, but it never arrived. In response to my recent email inquiry re: this, ADEM said that all mail-in ballots were sent out on 1/6/23 (?) and that they could not send a replacement ballot. Today (1/27/23), I sent another email to ADEM with my registration pin # and asked them to track my ballot.	1, 10
1/27/2023 9:10:32	rhondroskravitz@gmail.com	Rhonda Kravitz	10	10-1-0028916	Emailled that did not receive ballot told to vote in person however, for a n person days not in Sacramento or area that could vote	4, 7, 9, 10, 11, 12, 15, 16, 17, 18, 21, 22, 24, 27
1/27/2023 10:08:41	sampplummer@gmail.com	Samuel Plummer	18	18-1-0014463	Never received my mail in ballot, despite getting 2 confirmation emails with my correct address. I did get plenty of fundraisers emails though!!!	4, 12, 15, 16, 17, 18, 24, 25, 26, 29, 30, 31
1/27/2023 16:40:13	lismilet1@sbcglobal.net	Laura Gavre	12	12-1-0021980	I usually vote by mail	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
1/27/2023 17:05:22	qcostello@gmail.com	Quinn Costello	18	18-1-0012229	I successfully requested a ballot online and never received it in the mail.	4, 12, 15, 16, 17, 18, 24, 25, 26, 29, 30, 31
1/28/2023 22:55:39	greg.degier@gmail.com	Roy Gregory deGiere	6	I do not receive a F prevented from voting.		6, 8, 11, 13, 19, 20, 21, 24, 25
1/29/2023 12:07:52	Cynthiaduonerv1975@gmail.com	Cynthia Daugheyry	71	71-0-0001447	I often don't receive ballots	1, 8, 14
1/30/2023 14:58:23	aljzanic@gmail.com	Aljzania Hobby-Clayton	54	54-1-0006472	I registered for a mail in ballot Mid December 2022, and I have not received a ballot (today is Jan 30, 2023). They had plenty of time to make sure the ballot got to me. I also did not get any information regarding the election, candidates or statements (either through mailers or email address or phone calls).	1, 3, 13, 14, 15, 16, 17, 20, 21, 22, 23, 25, 26
1/30/2023 21:11:16	robertlopez1206@gmail.com	Robert Lopez	65	69-1-0023079	Just didn't get my ballot in the mail	1, 4, 5, 6, 7, 8, 9, 13, 21, 24, 28, 30, 34, 35
1/30/2023 21:52:56	zamean@aol.com	Zuhai Akbari	75	75-1-0003568	Infrustrating. Over a week ago I called the Sacramento ADEM office at +1 (916) 442-5707. I explained that I and many of my friends never received our ballots in the mail even though we got our pins via email. The woman I spoke with just blamed the postal service and wouldn't give me her name. She told me there was nothing she could do and that I'd just have to try again for the ADEM elections in 2 years.	1, 3, 7, 12
1/30/2023 22:10:52	sierra.mcvicar@gmail.com	Sierra McVicar	16	16-1-0021672		1, 2, 8, 10, 21, 24, 27, 28

Timestamp	Email Address	Name	Assembly District (numbers only)	Voter PIN
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1/31/2023 13:00:40	mrobledo_frz@adenvoter.org	Maritza Robello	65	6510042403
1/31/2023 13:02:32	emilyraisa@me.com	Emily Rasmussen	54	54-1-0018034

**Please describe your experience as a voter, including any communications with the Party or difficulties voting.**

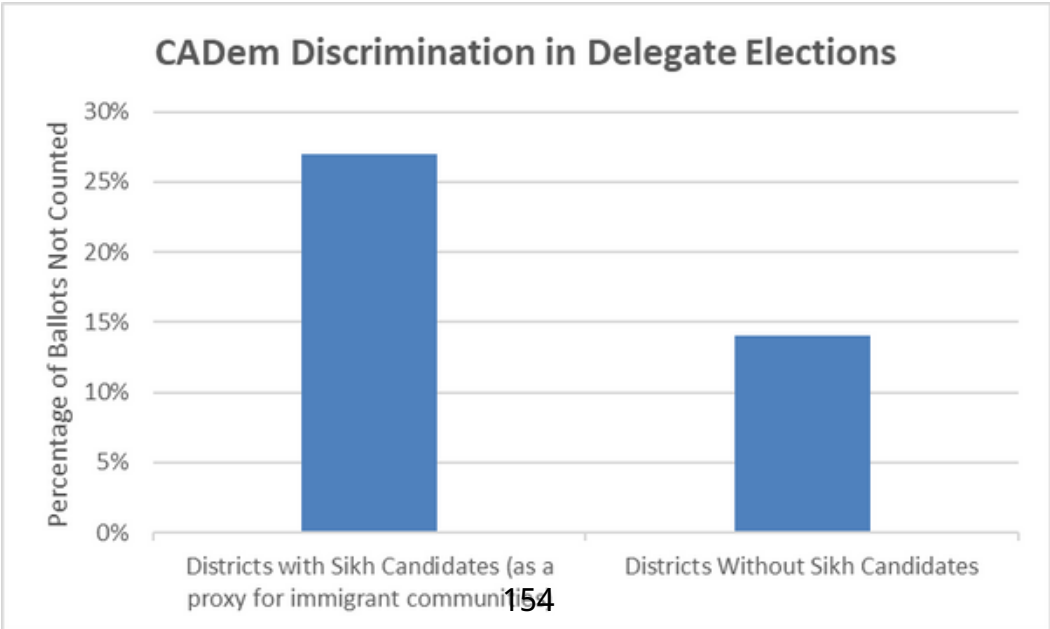
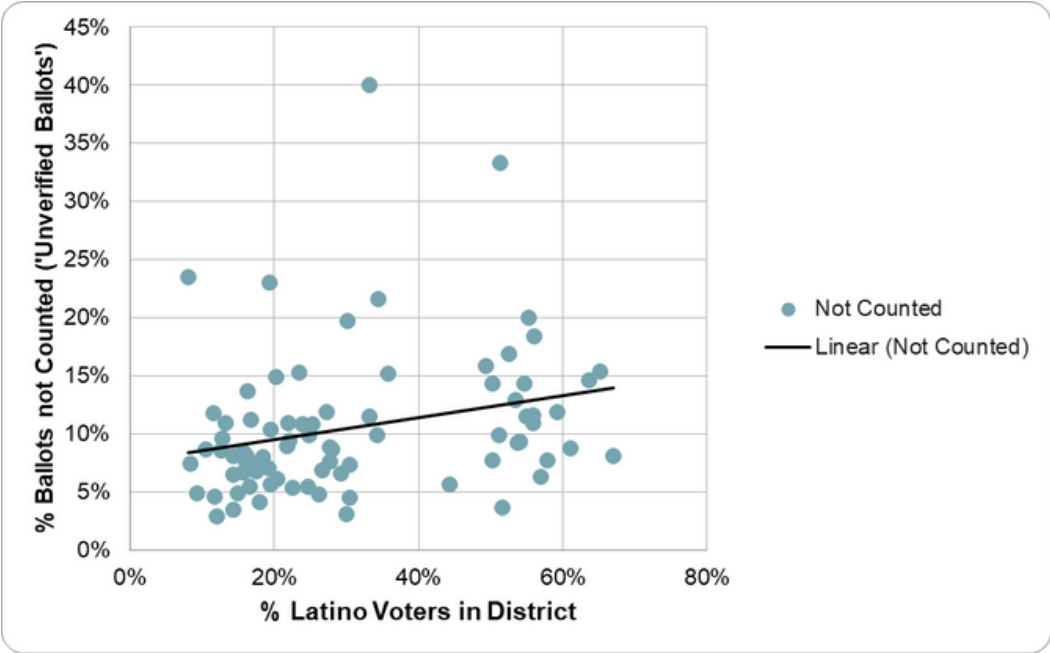
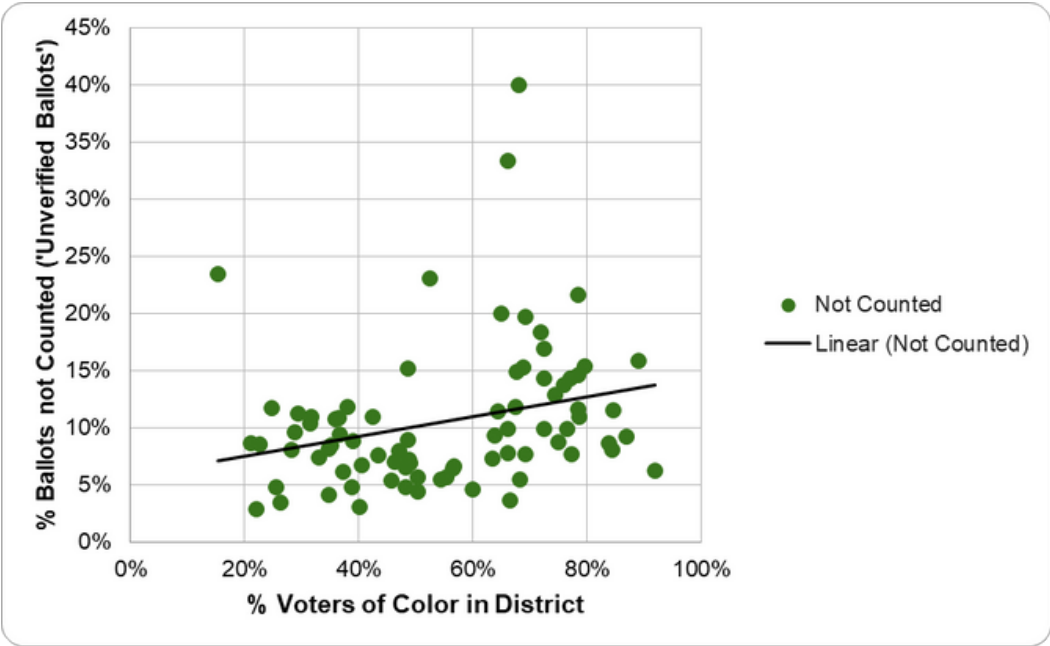
**Ballot: You may fill in up to 14 bubbles. Your ballot WILL NOT be counted if more than 14 bubbles are filled in.**

I requested my ballot but I did not received it in the mail. I registered for my VBM ballot on December 26th and still have not received it. I am new to this voting process and did not know that if I had not received my ballot by January 20th I would need to vote in person on January 21st. I emailed adem@cadem.org on January 30th asking them where my VBM ballot is and if there are any alternative ways to vote. They provided me with no alternatives or any explanation of where my ballot is, simply stating that it was mailed using USPS on January 6th. I am signed up for USPS. Informed delivery and have no record or scan of my ballot ever making it to my postal hub. I responded to their email mentioning this and the fact that I have heard of other people not receiving their ballots and heard nothing back. I am very disappointed that I registered correctly but will not be able to vote and have my voice heard.

1/31/2023 20:10:04	beckyb@omroofing.com	Becky Brown	65	can't locate my pin
1/31/2023 22:02:23	garrett.rapsilber@gmail.com	Garrett Rapsilber	54	54-1-0003382
2/1/2023 13:30:59	ibarra21.raquel@gmail.com	Raquel Ibarra	61	212721
2/2/2023 16:35:44	raishart23@gmail.com	Ranin Alshari	44	44-1-0015029
2/2/2023 19:22:02	adiahog@gmail.com	Adia Hoag	28	28-1-0003193
2/2/2023 20:54:01	shianne@therewblacketara.org	Shianne Smith	55	55-1-0013898

2/8/2023 21:34:09	Efrn_P_Reilly@yahoo.com	Erin Reilly	19	19-1-0017100
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never got a ballot  
I never received my ballot  
I did not receive my ballot to mail-in voting.  
never rec'd a ballot  
I didn't receive my ballot and I believe the new adem voting process was intentionally ambiguous to surprise votes. The last minute switching of numbering candidates versus listing the names. The way the state process and the delegation processes are set up so not bring truth to power and are exclusive to all voters.  
- No ballot received as of 2/4/2023.  
- VBM registered 1/25/2022 with email confirmation from noreply@politicaldata.com, with PIN and my correct mailing address. I am a longtime registered Democrat.  
- On 1/11/2023 I received an email from noreply@politicaldata.com titled ADEM: Registration details, confirming successful registration, PIN, and my correct mailing address.  
- Emailed CADEM at info@cadem.org on 1/17/2023; received no reply.  
- Called CADEM at 916-442-5707 on 1/18/2023; was informed that ballots had been sent out from PA around 1/6, and that there was a mail delay. They offered that I could travel to vote in another assembly district; the limited options at that point did not work for my schedule.  
- Called CADEM at 916-442-5707 on 1/25/2023; inquired about news of picking up a ballot at the San Francisco Democratic office, 541 Castro Street on 1/26/2023 from 4-8pm. I was informed that this was not within protocol. I asked what other options existed; none were offered.  
- Called AD19 Assemblymember Phil Ting's office to request an investigation into free and fair CADEM elections, with reports of numerous voters not receiving their ballots; shared information about voting at San Francisco Democratic office, 541 Castro Street on 1/26/2023 from 4-8pm; asked for an office representative to be present.  
- San Francisco Democratic office at 541 Castro Street on 1/26/2023 was closed between 4-8pm.  
- Printed a ballot and envelope front from https://www.adem.cadem.org/instructions and mailed it USPS certified mail (tracking 7018 3090 0000 4415 9650) on 1/26/2023 to CADEM c/o Redstone Print and Mail, 910 Riverside Parkway, Ste #40, W. Sac. 95605-1510. USPS: "Your item was delivered to the front desk, reception area, or mail room at 10:36 am on January 30, 2023 in WEST SACRAMENTO, CA 95605." I do not know whether this photocopy of a ballot was counted.





January 14, 2023

California Democratic Party  
1830 9th Street, Sacramento, CA 95811  
via email

Vice-Chair Yee, Vice-Chair Campos, Secretary Love, Controller Verrett:

It has come to our attention that an unidentified group of individuals is perpetrating a fraud on voters using a website 'CADem4All.com,' clearly intended to confuse voters that might believe it is part of 'CADem.org' with similar color scheme and graphics. The website endorses candidates in delegate elections but has no other identifying information. We do not know how it was funded or who is controlling it. The physical address used in its emails does not appear to exist and the owner of the website is anonymous.

The only verified fact regarding those involved in setting up the website is that it was created by the Google account 'Rusty Hicks for Chair.' His account identification was briefly revealed on the site and deleted. Chair Hicks' assertion is that he is not involved but his account has been in use by staff or consultants for over two years without his knowledge or coordination. However, he explains that he is in communication with the website creators. He has not described any action to halt this fraud on voters by his associates.

We request that Party Officers direct Chair Hicks to insist that his former and/or current staff cease this active fraud, shut down the website stealing the Party's intellectual property, and end all activity regarding delegate elections. We cannot allow the agents, employees and/or contractors of the Party Chair to engage in acts that would be swiftly condemned and litigated if others were acting similarly.

Further, we request that the Officers begin a transparent investigation into this matter, publishing all communications (emails, texts, messaging, etc.) between the Chair and all those involved in the theft of intellectual property, with a report to be published at the next Executive Board Meeting.

Sincerely,  
CDP Progressive Caucus Executive Board



----- Forwarded message -----

From: **Rusty Hicks** <[rusty@cadem.org](mailto:rusty@cadem.org)>

Date: Sat, Jan 14, 2023 at 5:54 AM

Subject: Re: This was sent to me by someone from Twitter

To: [REDACTED]  
Cc: [REDACTED] Karpiewski  
<[REDACTED]@[REDACTED].com>

Good morning, [REDACTED]

Thank you for the chance to clarify this issue.

I am not endorsing ADEM candidates.

CADEM leadership is not endorsing candidates.

CADEM is not endorsing candidates.

As for the Rusty for Chair account that was used to create the online form... Heidi Martinez (who was a part of my 2021 Chair's campaign) was asked to help create the form. She inadvertently and mistakenly used the Rusty for Chair account. When it was discovered, it was deactivated and deleted.

There are no shortage of groups pushing for a variety of candidates in a variety of assembly districts. This is one such example.

I hope this helps. Thank you.

R/

On Fri, [REDACTED]

<[REDACTED]>

Is Rusty endorsing ADEM candidates? What is his criteria? [REDACTED] was never interviewed. Is this possible?

<https://twitter.com/ebrandt76/status/1612525650883280896/photo/2>





**From:** Progressive Caucus <prog.caucus.cdp@gmail.com> on behalf of Progressive Caucus

**Sent:** Thursday, January 19, 2023 1:15 PM

**Subject:** Answering your questions about the Party abandoning its brand.

**Rusty is allowing others to use Party assets to endorse and campaign for ADEM candidates. Will the CDP Executive Board take action?**

After our email yesterday (republished below), we received a lot of exactly the right questions about Rusty's refusal to protect the intellectual property interest of the Party; i.e., the word 'CADem' is owned by the Party. This topic deserves more discussion since Rusty's failure puts the entire ADEM election at risk while also risking the Party's ownership of its own intellectual property rights.

To begin the discussion, imagine these examples:

The CEO of Pepsi has a side business where one of the employees starts their own separate website called "PepsiForAll" where they sell beverages independently of Pepsi but that many consumers believe is actually sold by Pepsi because of the similar name and color scheme.

The President of the NoName Church of America has a side business where one of the employees starts their own separate website called "NoNameForAll" where they ask Americans to join an organization that many people believe is actually part of the NoName Church of America.

In both of these examples, the leader of the organization is giving his employee's new website/business a tangible contribution of goodwill that is worth a lot of money. "PepsiForAll" and "NoNameForAll" creates an impression in the mind of the reader that they are buying something associated with a brand they know and trust.

Of course, no reasonable CEO or President would breach their duty to the organization by executing such a gift to an employee. If they did so, they would immediately be fired by their Executive Board and sued for the value of the gift, while the new website/business would be litigated into oblivion for entering into a bad faith agreement to steal the intellectual property of another company.

Which brings us to Rusty and his duty to the California Democratic Party. On January 6, the Progressive Caucus became aware of Rusty's involvement with 'CADem4All,' in that his name was listed on a Google Form used on the site. After completing its own investigation, the Caucus sent a letter to the Party Officers on January 14 advising them of the theft of intellectual property and fraud on voters by Rusty's associates.

Since that time, Rusty, as the only person with real-time authority to act, has not taken any action to protect the intellectual property of the Party, stop the election fraud by the 'CADem4All' group, or otherwise address the matter publicly. The result of this inaction is that the Party has gifted to the 'CADem4All' group the intellectual property of the Party, including goodwill that voters connect with 'CADem' and our website 'CADem.org.' The 'CADem4All' website is now being used in text campaigns, emails, and mailers across the state to influence ADEM elections.

Rusty, by permitting 'CADem' to be used freely by others, is allowing the Party brand to be used in Party elections against its own members; it is a Party

endorsement in violation of our Bylaws. It is no coincidence that those using the Party brand are his employees, agents, and/or contractors. This is a serious breach of duty, violation of organizational ethics, and contradiction of the 'One Voice Rule.' The rest of the Party's Executive Officers, although powerless to act under the Bylaws, nevertheless have a duty to advocate for the Party.

The breach above might not be a topic of discussion if it was not being executed to such discriminatory effect. The endorsement campaign of 'CADem4All,' if successful, will result in representation for people of color to be decimated in the Party; our own Party brand being used against the people we claim to represent. The failure of Rusty to act has now undermined the integrity of the election to such degree that there is no adequate remedy to restore it, but there can be accountability.

The California Democratic Party Bylaws state as follows:  
Article VII, Section 1a: There shall be an Executive Board of This Committee, which shall have all the powers and duties of This Organization

The question to the Executive Board of the California Democratic Party is this: Now that you know what is happening in your name and understand your duty to the Party, will you take action?

### **DELEGATE ELECTIONS (ADEMs) ARE FAILING; HOW CAN THE PARTY REBOUND?**

Here are the facts we already know about the delegate elections:

- \* An anonymous group is stealing the Party's intellectual property and committing a fraud on voters by using 'CADem' in their branding and website. The group used Rusty's Google account while setting up their website. The Party has taken no action to protect its intellectual property and risks losing the right to exclusive use of 'CADem' in the future. The Party Officers have been placed on notice via 1/14/23 letter from the Progressive Caucus.
- \* The same anonymous group has endorsed a list of candidates that discriminates against Latinos, as well as South Asians, Sikhs, Muslims, and Hindus. If they are successful in their endorsements and campaign, representation in the Party for people of color will be decimated. Party Officers have taken no action on this despite the website being branded with 'CADem.' This group does not appear to have made their endorsement decisions based on any discernable values other than political expediency.
- \* The by-mail voting process is so complex that it was next to impossible to navigate except by those that are fluent in English.
- \* Some voters have not received their ballot in the mail and will not be able to vote by mail before the deadline.
- \* Many rural ballots were not sent to the voters' mailing address so they will not be able to vote by mail before the deadline. There has been no explanation from the Party for failing to send these ballots to the correct address once the problem was revealed.
- \* Some candidates received emails indicating they were successfully registered but were excluded from the election because of a CDP website glitch that failed to record their attempted payment before the deadline.
- \* All of the issues above have been brought to the attention of the Party and the Party has taken no action.

It should be noted that Party staff have been excellent throughout this election. After a tough 2022 election campaign, it is tough to go straight into the delegate elections without much of a break. We should all thank them for their diligent efforts and responsiveness.

Follow the links in the first two bullet points to learn details regarding the actions of the anonymous website. The bottom line is this: Rusty is asleep at the wheel. The delegate elections are failing and he refuses to act. Vote-by-mail failed immigrant voters and any voter that cannot easily match candidate-free scantron ballots to the website lists, rural voters have been let down, anonymous outside groups allied with Rusty are stealing the Party's intellectual property, and these same groups are pushing slates of delegates that discriminate against people of color.

Many of you will recall that the last delegate election cycle was in danger of failing when Rusty refused to count ballots that were late due to corruption at Trump's post office. It was only when the Progressive Caucus led the way in filing papers for an emergency Executive Board Meeting that a Party Committee stepped in to make a change. Rusty once again appears headed down the same road...at the expense of voters and our Party.

However, there is an alternative path for the Party. Here are the recommendations of the Progressive Caucus:

1. Extend by one week the deadline for mail-in ballots to arrive back to the Party from voters.
2. Send immediately a letter to the 'CADem' website group demanding they cease all use of 'CADem' in their branding and website.
3. Send immediate a letter to the 'CADem' website group explaining that their endorsements are discriminatory and a fraud on voters.
4. CDP Compliance & Review Commission should investigate issue of candidates being excluded from the election despite successful registration and attempted payment.
5. CDP Officers should investigate communications and contacts between Rusty and the website group, with a report, including text of all communications, to be published prior to the next CDP Executive Board meeting.

As may be evident, the actions recommended above are serious and focused on the goal of saving the delegate elections that are underway. It is imperative that we set an example for California voters that we are capable of administering a fair election.

February 13, 2023

California Democratic Party  
Chair Rusty Hicks  
1830 9th St.  
Sacramento, CA 95811

Chair Hicks,

Thank you for your efforts on behalf of our Party and for Democrats across the state. We write this letter regarding a matter that has come to our attention in the recently completed Delegate Elections.

It is our understanding that the Party has accepted from voters 1,402 in-person ballots that have not been counted. Many of these ballots are classified as 'Unverified' because the voter's entries into an online form do not exactly match their voter record with the California Secretary of State and were not subsequently authenticated. Further, we are advised that immigrant voters are far more likely to fail verification due to difficulty navigating the online process or unfamiliarity with the details of the voting file. As an example, it appears the system rejects a ballot when 'Victoria Rodriguez-Alvarez' is entered instead of 'Victoria Rodriguez Alvarez' or when 'Gurinder Singh Dhillon' is entered instead of 'Gurinder Dhillon.'

An analysis of the rejected ballots indicates the following: in districts where a Sikh candidate was on the ballot, 27% of ballots were rejected. However, only 14% of ballots were rejected across the rest of the state. The Sikh data is readily identified due to distinctive candidate names and high Sikh voter turnout in those districts. Further, the Sikh data is likely a valid proxy indicating that first and second generation AAPI, Latino, and other immigrant communities are also being disenfranchised.

Clearly, this is not an intended outcome and is an unfortunate circumstance created by an automated online verification process. Although the Party should take every measure to ensure that ballots are cast only by those that are eligible, we must be equally vigilant to ensure that every valid ballot is counted. Therefore, we suggest the following:

1. The matter be referred immediately to the CADem Compliance Review Commission for review, similar to 2021 when over one thousand votes were counted after initial results were reported.

2. The CRC is requested to create a process by which the 1,402 ballots will be reviewed by Party staff to determine if the online form completed by the voter substantially matches the voter record. Since the Secretary of State does not require exact matches for signatures, our Party should not require exact matches for the voter file. This process should be transparent and the Delegate election results should be amended accordingly.

Thank you for your prompt attention to this matter. We are grateful for your service over the years and for your continued efforts to ensure that Democratic voters are empowered.

Sincerely,

Representative Barbara Lee  
Representative Ro Khanna  
Representative Katie Porter  
Assemblymember Ash Kalra, California Legislative Progressive Caucus Chair  
Assemblymember Alex Lee  
Assemblymember Jasmeet Kaur Bains  
Sally Lieber, State Board of Equalization  
Carlos Alcala, CDP Chicano-Latino Caucus Chair  
Yassar Dahbour, CDP Arab American Caucus Chair  
Ruth Carter, CDP Senior Caucus Chair  
Ann Crosbie, CDP Children's Caucus Chair  
Igor Tregub, CDP Environmental Caucus Chair, Alameda County Democratic Party Chair  
Amar Shergill, CDP Progressive Caucus Chair  
Norma Alcala, CDP Chicano-Latino Caucus Vice-Chair, West Sacramento Councilmember  
Alfred Twu, CDP API Caucus Officer  
Satinder Singh Malhi, Martinez City Councilmember  
Mikey Singh Hothi, Lodi City Councilmember  
Jasjit Singh, Sacramento School Board Trustee  
Sarbjit Kaur Cheema, New Haven School Board Trustee  
Naindeep Singh, Central Unified School Board Trustee  
Karen Bernal, CDP Delegate and Progressive Caucus Chair Emeritus  
Aleena Jun Nawabi, Arab American Caucus Treasurer  
Jenny Lynn, Arab American Caucus Digital Director  
Robin Kaur Rahil, CDP Delegate  
Jatinderpal Kaur Sahi, CDP Delegate  
Winty Singh, CDP Delegate

Sikh Coalition, a national civil rights organization  
Jakara Movement, a non-profit advocating for Sikh youth and the Sikh community

cc: California Democratic Party Officers

## **Challenge to Statewide ADEM Election Results**

**Reference Number 13160543**

The Challenge is amended as follows. At this time, the sole signatory for the portion of the challenge based on theft of intellectual property, including the call for the resignation of Rusty Hicks, is Amar Shergill. The remaining signatories join in the other portions of the challenge.

# TESTIMONY IN OPPOSITION





February 15, 2023

Congressmember Lee, Congressmember Khanna, Congressmember Porter, et al -

Thank you for your communication of February 13, 2023 regarding the counting of 1,402 unverified ballots in the California Democratic Party's (CADEM's) 2023 ADEM's elections.

We share a commitment of ensuring the voices in our Party continue to reflect the great diversity of California. As such, I and the CADEM Team take the concerns you have raised seriously and herein provide a detailed response to your communication. Below is an outline of the related issues, applicable procedures, and the actions of CADEM and others to proactively address this matter.

As more clearly outlined below, CADEM has taken every reasonable step possible to ensure every vote is counted - including multiple notifications to and various avenues for all participants to verify their registration and retained the services of Political Data Inc (PDI) personnel specifically to ensure additional steps were taken to verify previously unverified registrations. In light of all it has done, CADEM cannot take further action on this matter at this time.

### **Background**

Following CADEM's 2021 ADEM's elections, Party leaders engaged in a thorough review of the process and sought to revise that process to increase access for historically disadvantaged communities, lower costs for CADEM, and improve the security and integrity of the process. As a result, the CADEM Executive Board accepted a series of updated procedures promulgated by the CADEM Rules Committee at the August 2022 Executive Board Meeting. Among the many improvements for 2023 were (1) the ability to both vote by mail or to vote at an in-person location, (2) the ability to cast one's ballot at any location in the State, and (3) the ability for persons ineligible to register to vote to file as candidates for ADEM Delegate. Since their acceptance, the CADEM Regional Directors, staff, and volunteers have executed the process in line with those procedures.

### **Applicable Procedures Related to Unverified Ballots**

According to the procedures, every participant who sought to vote in the 2023 ADEMs elections either by mail or in-person was required to register to receive a ballot. In response to prior issues of either unregistered or ineligible voters participating in ADEMs elections, registration was directly connected to the PDI voter database to simplify verification of voter registration.

In the event a potential voter was unable to locate their name in the voter database, they were given the option to (1) re-enter the information to secure a valid match with the PDI voter database or (2) choose to verify their registration at a later date by clicking "Verify Later." When a participant selected "Verify Later," they were permitted to vote. However, they were also immediately notified - both on screen and via email - they were required to complete the verification process before the voting deadline on January 31, 2023 for the ballot to be counted.

The applicable procedures related to unverified or "Verify Later" ballots reads as follows:

*"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 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."*

The applicable guidelines and procedures were specific about the manner in which unverified ballots were to be handled. CADEM strictly adhered to that guidance.

### **CADEM's Efforts to Verify Previously Unverified Ballots**

Throughout the 2023 ADEM's elections, CADEM remained diligent in its efforts to notify participants who chose to verify their voter registration at a later date. Specifically, CADEM took two primary actions.

First, CADEM engaged PDI personnel to ensure that they took all appropriate steps to verify previously unverified registration requests without the prompting of the participant. This ongoing process included attempting to match additional details like address, age, or other available demographic data. As a result, of the **1,996** unverified registrations, PDI verified **450** registrants as Democrats. An additional **261** were rejected as registered other than Democrat.

Second, CADEM actively communicated with participants with an unverified registration status via the email the participant provided when they initially attempted to register. CADEM first sent participants an email outlining the steps needed to verify registration, but prepared to communicate more following the final weekend of in-person voting on January 21-22, 2023. In fact, in light of the occasional issues related to the delivery of email communications, CADEM sent multiple emails to increase the odds of delivery to participants.

Below is a summary of the email communications sent directly to participants following the final weekend of in-person voting.

January 24, 2023      Email #1 with the subject line "**ACTION REQUIRED: ADEM Voter Registration Incomplete**" sent to **1,430** participants.

January 27, 2023      Email #2 with the subject line "**ACTION REQUIRED: ADEM Voter Registration Incomplete**" sent to **1,367** participants.

January 30, 2023

Email #3 with the subject line "**DEADLINE APPROACHING: ADEM Proof of Democratic Registration Required**" sent to **1,322** participants.

In addition, while participants were provided with a prescribed process for submitting verification through the ADEM portal, CADEM staff continued to assist participants who emailed or texted verification by uploading the information on their behalf.

As a result of the efforts of CADEM staff, prior to the prescribed deadline of January 31, 2023, an additional **224** participants submitted documentation of registration to CADEM. Of those, **144** participants provided the appropriate documentation from the Secretary of State as required under the guidelines and procedures. They were verified and their ballots were counted.

**Summary**

As outlined above, CADEM sought to adhere to the guidelines and procedures required by the CADEM Executive Board. CADEM also went to great lengths to facilitate voter participation in the process. The below provides a summary of initially unverified registrants:

- 1,996 Total unverified registrations
- 450 Total unverified registrations verified by PDI staff as Democrats & ballots were counted
- 144 Total unverified registrations verified by CADEM staff as Democrats & ballots were counted
- 1,402 Total remaining unverified registrations
  
- 261 Total unverified registrations matched as other than Democrats & ballots not counted
- 80 Total unverified registrations providing insufficient documentation & ballots not counted
- 1,061 Total unverified registrations who did not provide any documentation & ballots not counted

The 2023 procedures were designed to give all California Democrats a fair and equal opportunity to participate in the 2023 ADEMs elections. In fairness to all participants, these procedures must be strictly adhered to by CADEM. As a result, CADEM is unable to take any further action on this matter at this time.

Further, the process for appropriately engaging the Compliance Review Commission (CRC) is outlined in Section XII of the CADEM Bylaws. If CRC engages in this matter pursuant to that process, CADEM leadership and staff will readily support its review and comply with any decision it makes.

Again, I thank you for your dedication to our shared commitment of building a stronger Party that uplifts and inspires every Californian. I look forward to continuing to work with you in the important fights ahead.

Democratically Yours,



Rusty Hicks  
Chair

cc: CADEM Statewide Officers

# **NO TESTIMONY IN SUPPORT**

# **RECEIVE AND FILE**

MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

ORIGINAL

DECISION DATE: April 14, 2023

AMENDED

DECISION DATE: April 17, 2021

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

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On April 14, 2023, the CRC issued its decision denying the challenge filed by Timothy Prince. On April 15, 2023, Kristin Washington, Chair of the San Bernardino County Democratic Central Committee (SBDCC) sought a rehearing of the matter based on the fact that staff had failed to realize that Ms. Washington, on behalf of the SBDCC, had filed three responsive documents on just a few minutes before the deadline on March 5, 2023.

Having considered Chair Washington's request and the submitted materials, the CRC has decided to exercise its authority under CRC Procedural Rule 2.J, which states:

*Except as otherwise provided in a CRC Decision limiting its own jurisdiction, or a Decision of the Rules Committee or Credentials Committee extending its jurisdiction, the CRC shall maintain jurisdiction over all of its decisions up until:*

*1. The time for an appeal has passed and the report of the meeting of the Rules Committee or Credentials Committee at which a timely appeal would have been heard has been submitted to the Executive Board or to This Committee or,*

*2. An appeal is heard by either the Credentials Committee or the Rules Committee of This Committee.*

*During this time of continuing jurisdiction, the CRC shall have the power and authority to modify, rehear, dismiss, or make other changes to its decision as may be necessary during that time period.*

The request to: (1) reopen the record, (2) take cognizance of the timely, but overlooked, submission by the SBDCC and (3) modify the opinion accordingly is hereby GRANTED.

The decision, as modified/amended, is set forth below.

## INTRODUCTION:

On February 2, 2023, Timothy Prince, President of the Democratic Luncheon Club of San Bernardino filed a challenge relating to the San Bernardino Democratic Central Committee (SBDCC) for violating the SBDCC By-Laws Article IX, and the CDP By-Laws Article XIII, in violation of the CDP Open Meeting Policy and basic principles of due process. The challenger further alleges that the Committee failed to provide reasonable notice of the following:

- Alleging that Notice was not given to the Club of the Executive Board meeting held between January 9 and January 25 - date unknown.
- Alleging that on January 25, 2023 – Chair Washington notified the aforementioned Club, via email, of the Executive Committee’s Recommendation to fine and penalize the Club at the next meeting held the next day on January 26, 2023.
- Alleging that SBDCC distributed its written letter and argument recommending the penalties to all SBDCC members without providing the Club any opportunity to submit written opposition for the January 26, 2023 meeting.
- Alleging that a split vote of 22-15 adopted the Executive Committee’s recommendation to impose a fine to the Democratic Luncheon Club \$99.

Mr. Prince claims that the Committee voted to penalize the Club despite the lack of a written rule in the Committee’s By-Laws prohibiting the Club from endorsing.

The Challenger is requesting that the SBDCC be prohibited from being represented by voting members on the California Democratic Party’s Democratic State Central Committee (DSCC).

The Challenger is also requesting that the SBDCC be ordered to comply with the California Democratic Party’s Open Meetings rule concerning notice and open meetings and that the SBDCC be ordered to take steps to assure that its By-Laws conform to CDP By-Laws.

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

1. Challenge submitted by Timothy Prince on February 12, 2023 and two supporting documents
  - a. Exhibit A – 2018 Letter Reprimanding Chris Robles as Chair of SBDCC
  - b. Exhibit B - Penman for Mayor fundraiser invitation featuring Barbara Flores
2. Testimony submitted by Gil Navarro, Parliamentarian and Mark Alvarez, past President of the San Bernardino Democratic Luncheon Club in support of the challenge
3. Testimony submitted by Kareema Adbul-Khabir, 3rd vice chair of campaign and endorsements of the SBDCC and Nancy Glenn, SBDCC Recording Secretary in Opposition
4. Documents submitted by Kristin Washington, SBDCC Chair, entitled:
  - a. Complaint against the Luncheon Club of San Bernardino for endorsement violations during the November 2022 election cycle
  - b. March 5, 2023, letter from Kristin Washington responding to the challenge of Tim Prince dated February 12, 2023 relating to the actions of the SBDCC

- c. Letter from the SBDCC to the Democratic Luncheon Club of San Bernardino, Attention Tim Prince dated January 22, 2023, re: Endorsements by the Democratic Luncheon Club November 2022 General Election

**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 2022, unless otherwise indicated.)

The Challenger submitted a challenge on February 2, 2023 for an incident that took place on January 26, 2023. The submission was within 7 days of the 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.”

Mr. Timothy Prince is the President of the Democratic Luncheon Club which was fined by the SBDCC. Given this, the Club was adversely affected and, thus the CRC finds the Challenger has 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 CRC finds that the Challenger provided an incomplete and jumbled chronology, and failed to provide evidence to show precisely what happened, in what order and what notices were and were not given. In such circumstances, the Challenger, who bears the burden of proof, failed to provide sufficient proof of jurisdiction or to warrant a finding that the CRC should take up jurisdiction over the alleged violation given the limited circumstances under which CRC review of a County Central Committee's actions are appropriate under the CRC Procedural Rules Section 5.F.

Moreover, the chronology provided by the SBDCC, including a letter dated January 22, 2023, explaining what would happen at the January 26, 2023, general membership meeting, although it also did not give a complete picture of the entire series of events at issue, suggests that there was more notice and a greater degree of opportunity for the Club to respond to the internal complaint than the Challenger has claimed. This information further undermines any predicate for exercising jurisdiction here.

Pursuant to Article VIII, Section 4 of the California Democratic Party (CDP) Bylaws, a Democratic candidate for nonpartisan elective office who has been endorsed by their County Central Committee shall also be considered to be the endorsed candidate of the CDP provided that the endorsing provisions of the relevant County Central Committee bylaws have been reviewed and approved by the Democratic State Central Committee of the CDP as consistent with its own Bylaws and with the fundamental rules of fairness. While this can also provide a basis for jurisdiction in some circumstances, it does not do so here inasmuch as the CRC notes that the SBDCC Bylaws were never submitted and approved by the California Democratic Party.

#### **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 no jurisdiction and that the showing required by CRC Procedural Rule 5.F was not made. Accordingly, the Challenge is dismissed.
2. Notwithstanding the foregoing, the CRC finds disturbing the actions of any Democratic County Committee which seeks to impose arbitrary fines on its chartered organizations, especially where, as here, there is no reference to fines or the authority to fine in the County Central Committee's bylaws. Such conduct is out of the realm of ordinary Democratic Party practice and where, as here, a fine is imposed without being expressly authorized in the County Central Committee's bylaws, it manifestly does not adhere to the standards of fundamental fairness that the Party seeks to uphold. The CRC strongly encourages the SBDCC to reconsider its actions in light of its obligations, and this Party's principles of openness, notice, and fairness.
3. The evidence in terms of lack of notice was incomplete, controverted and failed to establish any intent to conduct proceedings without due notice, but the SBDCC is

admonished about the importance of adhering to the CDP Bylaws' Open Meeting Provisions.

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 modified/amended decision. Thus, any appeal must be filed on or before April 29, 2023 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 Wednesday, April 29, 2023, 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, Member, Rules Committee