

**MEMORANDUM**

**TO:** California Democratic Party (CDP) Executive Board  
**FROM:** CDP Rules Committee  
**DATE:** August 8, 2023  
**RE:** CDP Bylaw Amendments Recommended by CDP Rules Committee to CDP Executive Board for Consideration at the 2023 August Executive Board Meeting in Visalia

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A number of Bylaw amendments were passed by the Rules Committee at the 2023 May Convention and at its Special Rules Committee Meeting in July 2023. The Bylaws amendments are recommended for adoption at the 2023 August Executive Board Meeting and are included in this memo for review.

**Bylaw Amendments for Consideration:**

1. Amendment to CDP Bylaws Article VIII, Section 3g(2) (Pre-Endorsing Conferences) to allow electronic means of voting **P. 1**
2. Amendment to CDP Bylaws Articles V and VIII to codify the power of the Rules Committee to recommend that endorsements of a particular County Committee shall be come the endorsement of the DSCC **P. 1-2**
3. Amendments to CDP Bylaws Article III, Section 4(b)(c)(d), Article IV, Section 7, Article VIII, Section 3(g)4 - proposal by CDP Staff to clarify and update Regional Director responsibilities in various provisions of the Bylaws **P. 2-3**
4. Amendments to CDP Bylaws Article XI (Special Group Caucuses) **P. 3-7**

**1. Amendment to CDP Bylaws Article VIII, Section 3g(2) (Pre-Endorsing Conferences)**

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.

**2. Amendment to CDP Bylaws Articles V and VIII to codify the power of the Rules Committee to recommend that endorsements of a particular County Committee shall be come the endorsement of the DSCC**

ARTICLE V: STANDING COMMITTEES AND SPECIAL COMMITTEES

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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.**

STRIKE ARTICLE VIII, SECTION 4 B(1) & C AND REPLACE AS FOLLOWS:

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

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**Section 4. NONPARTISAN OFFICES**

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**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** 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:**

(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.

**3. Amendments to CDP Bylaws Article III, Section 4(b)(c)(d), Article IV, Section 7, Article VIII, Section 3(g)4 - proposal by CDP Staff to clarify and update Regional Director responsibilities in various provisions of the Bylaws as amended**

**ARTICLE III: OFFICERS**

**Section 4. REGIONAL DIRECTORS**

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

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

d. The Regional Directors shall assist the statewide officers in the maintenance and development of the Party organization within their respective regions. They are responsible for working with developing, assisting, and coordinating the County Central Committees, Clubs & other Democratic organizations within their region, upon their request, and They shall convene a regional meeting of the members of This Committee in the region with sufficient time for input, or timely resolutions, prior to each meeting of This Committee or its Executive Board.

#### ARTICLE IV: MEETINGS

##### **Section 7. PARLIAMENTARY PROCEDURES, VOTING, AND PUBLICATION OF CODE OF CONDUCT**

~~e. When a voice or standing vote is taken at a meeting of This Committee, it shall be the duty of Regional Directors to monitor their delegation to insure that only those eligible are voting.~~

#### ARTICLE VIII:

##### **Section 3 (g)4. PARTISAN PUBLIC OFFICES OTHER THAN PRESIDENT**

Each pre-endorsing conference shall be convened by the relevant Regional Director or, in the event that there is no Regional Director available for this purpose or the Regional Director is a candidate for nomination to a partisan public office, or has a demonstrable conflict of interest (as determined by a majority of the Statewide Officers of This Committee), by a person designated by the State Chair. The State Chair shall designate a Chair and a Secretary for each Regional pre-endorsing conference.

#### **4 Amendments to CDP Bylaws Article XI (Special Group Caucuses)**

##### 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~~ 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 ~~Notice 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.~~

~~g.~~ 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.