

CDP RULES PACKET

August 19, 2023

California Democratic Party Rules Committee Agenda
Saturday, August 19, 2023 at 1:30pm

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. Review of Bylaws amendments to be considered on Sunday P. 4-18
 - A. Amendment to CDP Bylaws Article VIII, Section 3g(2) (Pre-Endorsing Conferences) P. 5-6
 - B. 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. 7-8
 - C. Amendments to CDP Bylaws Article III, Section 4(b)(c)(d), Article IV, Section 7, Article VIII, Section 3(g)4 P. 9-10
 - D. Amendments to CDP Bylaws Article XI (Special Group Caucuses) P. 11-18
- V. Convention Rules and Tentative Agenda for 2023 November Convention to be considered on Sunday P. 19-24
- VI. Review of recommendations for Recertification of the 19 CDP Caucuses to be considered on Sunday - Full Report: https://cadem.org/wp-content/uploads/2023/08/REPORT_OF_THE_RULES_SubCOMMITTEEON_CAUCUS_ES.pdf
- VII. Subcommittee Reports P. 25-31
 - A. Caucuses Subcommittee
 - a. Oral Report from Subcommittee on Caucuses
Chair: Zakson, Members: Alcala, Bowler, Burckhard, M. Garcia, I. Garcia, Lee, Woods-Gray and Zhang
 - B. Miscellaneous Items Subcommittee P. 26-27

- a. Report from Subcommittee on Misc. Items
Chair: Hernandez, Members: Jaycox, Phillips, Zakson, M. Garcia, Schultz, Harris,
Torres, Fernandez and Shay
- C. Officers, Elections, Duties, Etc. Subcommittee P. 28-30
 - a. Report from Subcommittee on Officers, Elections, Duties, Etc.
Chair: Phillips, Members: Alcala, Bowler, Fernandez, I. Garcia, Mojadedi,
Bittner, Schultz, Zernitskaya and Shay
- D. Standing Committees Subcommittee P. 31
 - a. Report from Subcommittee on Endorsements
Chair: Shay, Members: Lee, Woods-Gray, Alcala, Jaycox, Mojadedi, Harris, Alari
and Torres
- VIII. Subcommittee and Caucus Recertification Grouping P. 32-34
- IX. CRC – Receive and File P. 35-69
 - A. Kendra Lewis against CDP Black Caucus P. 37-43
 - B. David Ross against CDP Progressive Caucus P. 44-48
 - C. Juan Vazquez against CDP Chicano Latino Caucus P. 49-54
 - D. Eugene Fields against CDP Black Caucus P. 55-63
- X. New Business
- XI. Adjournment

REVIEW OF BYLAWS AMENDMENTS

**Amendment to CDP
Bylaws Article VIII,
Section 3g(2)**

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

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-endorsing 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.

**Amendment to CDP
Bylaws Articles V and
VIII**

ARTICLE V: STANDING COMMITTEES AND SPECIAL COMMITTEES

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Section 5. STANDING COMMITTEE DUTIES AND RESPONSIBILITIES

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

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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 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.

AMENDMENTS TO CDP BYLAWS

**ARTICLE III, SECTION
4(B)(C)(D)**

ARTICLE IV, SECTION 7

**ARTICLE VIII, SECTION
3(G)4**

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 ~~&~~ and 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.

**Amendments to CDP
Bylaws article XI
(Special Group
Caucuses)**

MEMORANDUM

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

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)

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 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.

**2023 NOVEMBER
CONVENTION RULES
AND TENTATIVE
AGENDA**

RULES FOR THE 2023 NOVEMBER CALIFORNIA DEMOCRATIC PARTY CONVENTION

1. The Officers of the Convention shall be the Officers of the Democratic State Central Committee.
2. The Chair of This Committee shall be the Chair of the Convention and the Secretary of This Committee shall be Secretary of the Convention. In the absence of the Chair of This Committee, the Vice-Chair of This Committee of the self-identified gender other than that of the Chair, shall serve as the Presiding Officer and Chair of the Convention.
3. Delegates to the Convention shall be those delegates (Democratic State Central Committee Members) who were duly credentialed to the 2023 May California Democratic Party Convention subject to the provisions for replacement and filling of vacancies set forth in the By-Laws, and received by the State Party Sacramento office by 12:00 PM, September 15, 2023.
4. Seating of the delegates shall be by Assembly District within Region.
5. No one will be admitted to the Convention floor who is not a delegate, or proxy holder, except by special authorization of the State Chair.
6. Credentialing will close at posted times, unless special circumstances exist. At that time, consideration will be given by the Credentials Committee, which can stay open or reopen credentialing. In order to vote, and have one's vote counted, at this Convention, a member must be qualified to vote for that specific office per This Committee's Bylaws and have timely:
 - a) paid their annual DSCC dues and registration fee (or had them waived, by request from the DSCC Member) to This Committee,
 - b) registered for the meeting, if registration was required,
 - c) obtained their credential prior to the close of credentialing,
 - d) completed and returned to the proper authority any ballot that may be issued, and
 - e) agreed to the CDP Code of Conduct, prior to the close of credentialing.
7. Proxies will be subject to the provision set forth in the By-Laws.
8. The Credentials Committee shall issue its final report and provide the official voting list of delegates to the CDP Staff subsequent to the close of credentialing.
9. Candidates seeking statewide endorsement must submit a complete application by October 13, 2023 at Noon. The Chair, in consultation with the Statewide Officers of this Committee, will determine which Democratic candidates for Statewide Offices are viable and eligible to seek the endorsement.
10. Requests to hang signs, banners, and placards must be submitted before the Convention to the Convention Coordinator. A fee may be charged per sign at the determination of the Chair of This Committee.
11. The purpose of this Convention is primarily the adoption of a Party Platform, endorsement of district-level and statewide partisan offices, and possible statewide ballot propositions on the 2024 ballot as deemed appropriate. All other Party or State matters, reports, etc. will or will not be considered at Convention as determined by the State Chair. Matters not heard at the

Convention will be received by staff for the Secretary and held over to the next meeting of the Executive Board. All resolutions submitted will be held over to the next Executive Board meeting.

12. The Chair, in consultation with the Rules Committee Co-Chairs, may promulgate administrative procedures relating to voter assistance for the legislative endorsement balloting as appropriate.
13. In all cases at this Convention, proxies shall vote in districts where the delegate is registered to vote.
14. The By-Laws and Rules of the California Democratic Party shall govern over these Rules for the 2023 California Democratic Party Convention in the event of a conflict.
15. In general, motions subject to floor debate, whether via committee reports or from the floor, shall be subject to the following limits on debate. There shall be three (3) speakers on each side of a motion, including the maker of the motion, and each speaker shall be limited to one (1) minute each. These rules may be suspended by a motion to amend these limits on debate, but such a motion shall not be debatable and may only apply to the specific motion before the body.
16. Any matter not provided for in these rules or the California Democratic Party By-Laws and Rules shall be governed by Robert's Rules of Order.

PROCEDURES FOR THE AMENDMENT AND ADOPTION OF THE 2024 CALIFORNIA DEMOCRATIC PARTY PLATFORM

Rule #16. The Platform Committee's Draft Report shall be sent to all Convention delegates no later than September 20, 2023.

A. AMENDMENT PROCESSES: The Platform is a statement of principles and any amendments must be germane to the Platform. If any delegate wishes to amend the Draft Platform, then the delegate shall follow the process outlined below:

1. Each delegate must submit, in writing, to be received by the CDP Sacramento Office no later than October 11, 2023, at 5 PM, the delegate's written amendments to the Platform Committee's Draft Report. Said written amendments must be signed by five (5) different Members of the Democratic State Central Committee from five (5) different Assembly Districts or five (5) registered Democrats (one of whom must be a Member of the Democratic State Central Committee) from five (5) different Assembly Districts and must include their addresses, phone numbers, and the Assembly District in which they reside; one, and only one, of which shall be identified as the sponsor of the amendment. Any amendment must additionally contain the following: 1 a) whether the delegate submitted the proposed

amendment or an amendment with substantially similar language during the open written testimony period ending on August 19, 2023, at 5 PM; 1b) if not, why not; and, 2) why the current Platform draft language does not address the proposed amendment.

(a) The Platform Committee shall meet in person or virtually by Saturday, November 4, 2023, to consider all written amendments submitted with five (5) valid signatures. The Platform Committee, at its pleasure, may take any additional testimony it desires and may, by majority vote, adopt an amendment or any part thereof. Should any amendment or any part thereof be adopted, then said amendment shall become part of the Platform Committee's Draft Report.

(b) If said amendment, or part thereof, is not adopted, then said amendment may be brought to the floor of the Convention only if all the submission and certification provisions of Rule 16, Section A.2. of these Rules are met.

(c) All amendments, or any parts thereof, which are adopted by the Platform Committee shall be made available to all delegates at the Convention, promptly after the Saturday Platform meeting.

2. An amendment which had been timely submitted by October 11, 2023, at 5 PM, but failing to be adopted in its original form, may be submitted by its sponsor in writing, in whole or part thereof, to the Secretary of the Convention no later than Saturday, November 17, 2023, at 5 PM on a form provided by California Democratic Party Platform staff. Said amendment must be signed by no fewer than three hundred (300) credentialed delegates to the Convention (or their qualified credentialed proxies) whose signatures shall be collected after the Saturday Platform meeting of the Convention and must contain the name, phone numbers, Assembly District, and signature of the original sponsor of the amendment. Any amendment must additionally contain the following: 1a) whether the delegate submitted the proposed amendment or an amendment with substantially similar language during the open written testimony period ending on August 19, 2023, at 5 PM; 1b) if not, why not; and, 2) why the current Platform draft language does not address the proposed amendment.

(a) The Secretary of the Convention shall certify each amendment by determining that no fewer than three hundred (300) delegate signatures are valid.

(b) No later than 6:30 PM on Saturday, November 17, 2023, the Platform Committee shall meet to review each amendment certified by the Secretary of the Convention. All sponsors of each amendment must attend this meeting; failure to do so shall void the submission of the amendment unless excused by majority vote of the Platform Committee. The Platform Committee may, at its pleasure, take any additional testimony it desires and may, by majority vote, adopt said amendment, or any part thereof. Should any amendment, or any part thereof, be adopted, then said amendment shall become part of the Platform Committee's Draft Report.

(c) If said amendment is not adopted in its entirety, then the amendment or any part not adopted, shall be introduced to the full Convention for debate and vote. However, the sponsor of the amendment may, at any time, withdraw the amendment from consideration by the Platform Committee or the Convention delegates.

(d) All amendments, or any part thereof, which are adopted by the Platform Committee shall be made available to each delegate at the time that they enter the Convention Hall for Sunday morning session.

B. ADOPTION PROCESS

1. On Sunday, November 18, 2023 the Platform Committee shall present its Draft Report to the Convention for its approval. The Convention shall follow the below-listed procedures when considering the Draft Report and amendments thereto:

(a) The Draft Platform Report shall be presented by the Lead Co-Chairs of the Platform Committee or their designees.

(b) As each report is completed, the Lead Co-Chairs of the Platform Committee or their designees shall call on each sponsor of an amendment to present their amendment and said presentation shall be no longer than three (3) minutes.

(c) After each amendment has been presented by its sponsor, then the opponents of the amendments shall have three (3) minutes to present their position. Debate will be automatically closed unless a motion is made to extend debate and adopted by a majority vote. Said extension shall not exceed three (3) minutes equally divided between opponents and proponents to the amendments.

(d) Following the debate on the amendment, delegates shall vote on the amendment.

2. Following the presentation of each report and after the amendments have been voted on, then the delegates shall, by majority vote, adopt or reject each report. The final report of the Convention shall be known as the California Democratic Party Platform.

3. The co-chairs of the Platform Committee are authorized to make any punctuation, grammatical, or spelling changes as needed in the Final Report.

2023 California Democratic Party State Endorsing Convention

Tentative Agenda November 2023

Note - Caucus meetings, workshops, training, and other activities will be added to this agenda as presenters and speakers are developed and confirmed. The time frames are subject to change at the discretion of the Chair. Standing Committee meetings will be added to the schedule in consultation with the Chair and Committee leads. All agenda items and times are subject to change.

Friday, November 17, 2023

7:30-9:15am	Caucus Meeting (set 1)
8:00am	Training Session - Tentative
10:00am	Platform Committee
11:00am-1:00pm	Finance Committee
1:00-3:00pm	Credentials Committee
1:00-3:00pm	Legislation Committee
1:00-3:00pm	Organizing Committee
3:00-8:30pm	Credentialing / Registration
3:00pm	Training Session - Tentative
4:00pm	Rules Committee Meeting
4:30-6:15pm	Caucus meeting (set 2)
5:30pm	Resolutions Committee (Statewide Propositions Only)
7:00-8:45pm	Caucus Meeting (set 3)
10:15pm-12am	Hospitality Suites

Saturday, November 18, 2023

7:30am-9:15am	Caucus Meeting (set 4)
9:00am-1:00pm	Credentialing / Registration
10:00am-12:00pm	General Session I
12:00pm-1:30pm	CADEM Organizing Actions
1:30pm-3:30pm	General Session II
3:30pm	Standing Committee Meetings
4:00pm-5:00pm	Legislative Endorsing Caucuses
5:00pm-8:00pm	Endorsement Voting/Balloting
6:00-8:00pm	CADEM Dinner
7:00-8:45pm	Caucus Meeting (set 5)
10:15pm-12am	Hospitality Suites

Sunday, November 19, 2023

9:00am-10:00am	Credentialing / Registration
10:00am	General Session III
	<ul style="list-style-type: none">● Ratification of 2024 Endorsements● Adoption of Platform● Standing Committee Reports

SUBCOMMITTEE REPORTS

MEMORANDUM

To: CDP Rules Committee

From: Valeria Hernandez, Chair, CDP Rules Committee Subcommittee on Miscellaneous Issues

Date: August 9, 2023

Re: Report of CDP Rules Committee Subcommittee on Miscellaneous Issues

On August 9, 2023, the CDP Rules Committee Subcommittee on Miscellaneous Issues held a meeting to hear proposed bylaws amendments relating to membership removal provisions and the Compliance Review Commission.

After establishing a quorum and approving the agenda, the Subcommittee heard the first proposal from the author, Margot Tenenbaum – also known as Emma Jenson – relating to member removal provisions in Article II, Section 9 of the CDP Bylaws.

The proposal submitted by Ms. Jenson is as follows:

- 1) This Committee may remove any member if, during their term of membership, such member affiliates with or registers as other than Party Preference Democratic; publicly avows preference for another party; publicly advocates that the voters should not vote for the endorsed candidate of This Committee for any office; or who publicly gives support to or avows a preference for a candidate registered as other than Party Preference Democratic ~~in the voter-nominated top two open primary~~; or violates the Code of Conduct.
- 2) This Committee may remove any member if, during their term of membership, such member affiliates with or registers as other than Party Preference Democratic; publicly avows preference for another party; publicly advocates that the voters should not vote for the endorsed candidate of This Committee for any office; or who publicly gives support to or avows a preference for a candidate registered as other than Party Preference Democratic in the voter-nominated top two open primary, with exception to non-partisan races wherein no Party Preference Democratic registered candidate has filed; or violates the Code of Conduct.
- 3) This Committee may remove any member if, during their term of membership, such member affiliates with or registers as other than Party Preference Democratic; publicly avows preference for another party; publicly advocates that the voters should not vote for the endorsed candidate of This Committee for any office; or who publicly gives support to or avows a preference for a candidate registered as other than Party Preference Democratic in the voter-nominated top two open primary, with exception to non-partisan races; or violates the Code of Conduct.

After extensive public testimony, and discussion amongst members of the Subcommittee, there was no motion to consider any action on this item.

The Subcommittee then heard from the author, Christopher Duvali on the second proposal relating to the Compliance Review Commission (CRC) in Article XII, Section 1 of the CDP Bylaws.

The proposal submitted by Mr. Duvali is as follows:

ARTICLE XII: COMPLIANCE REVIEW COMMISSION

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.

The Subcommittee took testimony from various members of the public. Following public testimony, there was discussion amongst Subcommittee members, really a de facto history lesson on the origins of the Compliance Review Commission, the CRC's jurisdiction and the role the CRC has played historically in the Party.

After extensive discussion there was no motion to consider any action on this item. The Subcommittee would like to recognize Mr. Duvali for bringing this issue forward, allowing us to have a fruitful discussion on the matter.

TO: Rules Committee, California Democratic Party

FR: Sub-Committee on Officers, Elections, Duties, Etc.: G. Anthony Phillips, Subcommittee Lead Chair; Jose Alcala, Sascha Bittner, Kathy Bowler, Nicole Fernandez, Izeah Garcia, Harris Mojadedi, Nick Schultz, Garry Shay and Ex-Officio Member Co-Chairs, Coby King and Valeria Hernandez

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

DA: August 8, 2023

The Subcommittee on Officers, Elections, Duties, Etc. met on Tuesday, August 8, 2023 and the following are the report for that meeting:

- I. With 6 members present there was a quorum. Members present: G. Anthony Phillips; Jose Alcala, Sascha Bittner, Kathy Bowler, Nicole Fernandez, Garry Shay; 1 member joined late: Izeah Garcia**
- II. De Leon Proposal introducing a ranked choice voting process to Statewide Officer Elections and Regional Director elections**

The proposal submitted by Mr. De Leon is as follows:

Section 3. ELECTION OF STATEWIDE OFFICERS

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. REGIONAL DIRECTORS

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

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

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

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

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

After extensive public testimony, and discussion amongst members of the Subcommittee, it was M/S/P to table indefinitely.

III. Duvali Proposal to amend Article III, Section 1

The amendments to the bylaws are submitted to implement democracy and social Justice within the California Democratic Party.

The proposal submitted by Mr. Duvali is as follows:

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.

After discussion it was M/S/P to postpone indefinitely.

TO: Rules Committee, California Democratic Party

FR: Sub-Committee on Standing Committees: Garry Shay, Subcommittee Lead Chair; Olivia Lee, Jimmie Woods-Gray, Michael Burkhard, Jose Alcala, Katie Jaycox, Harris Mojadedi, Maria Harris, Steven Alari, Omar Torres and Ex-Officio Member Co-Chairs, Coby King and Valeria Hernandez

RE: Report of the Sub-Committee on Standing Committees

DA: August 7, 2023

The Subcommittee on Standing Committees met on Monday, August 7, 2023 and the following are the report for that meeting:

I. With 6 members present there was a quorum. Members present: Garry Shay; Olivia Lee; Jimmie Woods-Gray; Maria Harris; Steven Alari; Jose Alcala

II. Alegria Proposal to Amend Article III, Section 1, Article II, Section 12 and Article V, Section 4

Standing Committee Chairs and Committee Members should be held the same standard as Officers as it relates to any form of monetary compensation from any elected official, lobbyist, Union, political campaign or Political Action Committee.

Prior to hearing testimony lead Subcommittee Chair, Garry Shay notated the that the author failed to submit language proposing revisions to the CDP Bylaws but allowed testimony to be heard with the proposal being in concept.

Speakers in favor: Author Maria Alegria; Renee Zeimer AD16; Jeff Koertzen AD15; Ruth Carter AD12 and Harry Baker AD15

Speakers opposing: Agi Kessler; Andrew Lachman AD55; Glenn Loveall AD11; Analisa Swan AD44; Stacey Reardon AD06; Corey Penorse AD11; A.J. Thomas AD17; Brandon Zavala AD40; Jane Wishon AD51; Tony Hale AD66; Mark Mulliner AD03 and Chuck Leonard AD11

After discussion it was M/S/P to refer the matter back to author for language, if after having listened to all the testimony and still wished to submit actual language for bylaw revisions

**SUBCOMMITTEE AND
CAUCUS
RECERTIFICATION
GROUPING**

Committee	Chair	Vice Chair	Member 1	Member 2	Member 3	Member 4	Member 5	Member 6	Member 7	Member 8
ADEMs	Coby King	Sarah Souza	Mcclina Woods	Robin Torello	Anita Narayana	Katie Jaycox	Peter Gallotta	James Aguilar	Kathy Bowler	Nick Schultz
Caucuses	Laurence Zakson	Izeah Garcia	Jose Alcala	Olivia Lee	Jimmie Woods-Gray	Kathy Bowler	Michael Burckhard	Moises Garcia	Adrianna Zhang	
Endorsements	Kathy Bowler	Steven Alari	Coby King	Valeria Hernandez	Olivia Lee	G. Anthony Phillips	James Aguilar	Adrianna Zhang	Cassandra James	Garry Shay
Miscellaneous	Valeria Hernandez	Katie Jaycox	G. Anthony Phillips	Laurence Zakson	Moises Garcia	Nick Schultz	Maria Harris	Omar Torres	Nicole Fernandez	Garry Shay
County Bylaws	Robin Torello	Glenn Glazer	Mcclina Woods	Izeah Garcia	Steven Alari	Peter Gallotta	Katie Jaycox	Anita Narayana	Sarah Souza	Omar Torres
Standing Committees	Garry Shay	Olivia Lee	Jimmie Woods-Gray	Michael Burckhard	Jose Alcala	Katie Jaycox	Harris Mojadedi	Maria Harris	Steven Alari	Omar Torres
Officers, Elections, Duties, etc.	G. Anthony Phillips	Jose Alcala	Kathy Bowler	Nicole Fernandez	Izeah Garcia	Harris Mojadedi	Sascha Bittner	Nick Schultz	Natalya Zernitskaya	Garry Shay
Chartered Organizations	Nicole Fernandez	Anita Narayana	Glenn Glazer	Sarah Souza	Garry Shay	Sascha Bittner	Maria Harris	Cassandra James	Natalya Zernitskaya	

Caucus Recertification Grouping		Chair	Vice-Chair	Member 1	Member 2	Member 3	Member 4
Caucus Group A	Irish, Women's, Filipino, and LGBT	Jose Alcalá		Izeah Garcia		Jimmie Woods Gray	
Caucus Group B	Disabilities, Environmental, Senior, and Rural	Gary Shay	Anita Narayana	Katie Jaycox		Harris Mojadedli	
Caucus Group C	African American, Chicano/Latino, Veterans, and Progressive	Laurence Zakson		Olivia Lee	Robin Torello		
Caucus Group D	Business & Professions, Arab American, Computer & Internet, Labor	Nicole Fernandez	G. Anthony Phillips		Glenn Glazer		McClina Woods
Caucus Group E	Asian Pacific, Childrens', Native American	Kathy Bowler	Steven Ari		Sarah Souza	Nick Schultz	Peter Gallotta

COMPLIANCE REVIEW COMMISSION (CRC)

RECEIVE AND FILE

M E M O R A N D U M

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: May 24, 2023

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

INTRODUCTION:

On May 15, 2023, CDP Black Caucus Member and Candidate, Kendra Lewis filed a challenge relating to the actions by the CDP Black Caucus regarding the election of Caucus officers scheduled for Saturday, May 27 at 5:15pm.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

1. Challenge submitted by CDP Black Caucus Member and Candidate, Kendra Lewis, on May 15, 2023, and four supporting documents
 - a. Exhibit A – Email from the Black Caucus – noticing the April 28 Registration deadline;
 - b. Exhibit B – Email from Election Committee member, Temika Cook to candidates sharing the list of 214 2023 Black Caucus Members who were eligible to vote;
 - c. Exhibit C – Final email notice from Carolyn Fowler of the corrected list of eligible members which now included missing members bringing the total to 264; and
 - d. Exhibit D - Official email form the Black Caucus Election Committee with voting memo attached
2. Testimony submitted by the CDP Black Caucus Chair Corey Jackson and Black Caucus Parliamentarian Michael Saunders in opposition
3. Testimony submitted by Black Caucus member Jimmie Woods-Gray in Support
4. Late testimony submitted by Rhodesia Ransom

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.)

As a result, challenges must be filed within seven calendar days of the alleged violation. The challenge was filed on May 15, 2023. The Complaint relates to a decision of the Election Committee of the Black Caucus communicated by letter dated May 11, 2023. The underlying decision appears to have been made on May 8, 2023, although it is not clear if that decision was publicly communicated before the May 11, 2023, letter. In such circumstances, the challenge is timely.

STANDING:

According to Article XII, Section 3:

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

Kendra Lewis is a member of the Caucus and a candidate for election in the 2023 Caucus officer election. Uncertainty about the number and eligibility of voters and the ability of the candidates to ascertain the universe of potential voters affect her candidacy in a manner that affects her sufficiently to confer 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 Caucus is a constituent part of the CDP and the allegations that the Caucus did not provide clear, substantially accurate notice of who was eligible to vote to either the

candidates or the voters in a timely manner and that the last-minute change in eligibility criteria, as well as the inaccessibility of the assertedly true and correct Caucus bylaws all are a sufficient basis to confer jurisdiction under Article XIII, Section 6 (Timely Publication of Selection Procedures) of the CDP Bylaws. The CRC also notes that, given that the Caucus Chair is a member of the CDP Executive Board, there is probable jurisdiction under Article XIII, Section 5 (Full Publication of Selection Procedures)

EXHAUSTION OF REMEDIES

The Challenger, Ms. Lewis, does not allege exhaustion of internal remedies and there is no evidence of any effort to exhaust such remedies within the Caucus by bringing Ms. Lewis' complaint before the Election Committee. Ordinarily, in such circumstances, the CRC would dismiss the charge for failure to exhaust internal Caucus remedies.

However, the CRC finds that there is a need for a limited exercise of jurisdiction here to preserve the right to a meaningful review of any decision on voter eligibility in the event of a subsequent appeal with respect to this election.

First, Appendix A, paragraph 5 of the Party's Guidelines for Certification/Recertification/Decertification of Caucuses provides for Caucus elections to have fully publicized provisional ballot procedures. The purpose of this rule is to allow a mechanism for recording the vote of every Caucus member who has a good faith belief in their right to cast a ballot so that a determination can be made with respect to the right to vote of that voter and whether to count the ballot that voter has cast. Here, it is uncontroverted that the Caucus has failed to create a balloting/provisional balloting process that makes the identity of those whose voting rights are in issue readily identifiable so that a post-election determination of their voting rights – including in the event of any appeal – can be made. The absence of such a system affects the rights of over 170 Caucus members who met the published membership deadline for participation in the Caucus election, but did not meet the deadline the Caucus later decided to use.

The CRC finds that it is vital to a final determination of these Caucus members' voting rights that a system be created that allows these ballots to be cast, ensures that these ballots are readily identifiable and allows for a determination of their validity in a post-election challenge and, if applicable, on subsequent appeal. Accordingly, interim relief is warranted.

Second, the imminence of an election makes interim relief by the CRC rather than a remand to the Caucus for a decision on balloting processes appropriate, especially inasmuch as the CRC has broader authority under the CDP Bylaws to fashion a remedy than the Caucus Election Committee would have under the Caucus Bylaws.

In making this determination, the CRC notes that the CDP is committed to making sure that challenges can be decided based on the best available evidence. Additionally, a failure to provide a meaningful opportunity to cast a ballot to potential voters who received information -- that appeared to be authoritative -- from the Caucus that almost certainly led them to believe they were entitled to vote would not be consistent with the fundamental values of transparency and fairness to which our Party is committed. These factors bolster the need for an interim remedy here.

Further, in making a determination to provide interim relief despite the absence of evidence of exhaustion, the CRC emphasizes that any exercise of jurisdiction where, as here, a challenger has not exhausted internal remedies is extraordinary and not undertaken casually. The fact that the CRC has exercised limited jurisdiction here is not intended to be, and should not be regarded as, an invitation to submit challenges to the CRC without attempting to exhaust internal remedies in any but the most extraordinary of circumstances.

As the foregoing discussion makes clear, the CRC finds that there are extraordinary circumstances here that warrant a limited exercise of CRC jurisdiction notwithstanding the failure to exhaust internal remedies within the Caucus.

DISCUSSION

The principal issue here is brought about by confusion about the applicable Caucus bylaws. It appears that the bylaws cited by the Caucus officers as having been duly adopted and operative were not posted until, at the earliest, May 2, 2023, although these bylaws assertedly were adopted in November 2022. The bylaws cited by the Caucus officers as duly adopted and operative were apparently unknown to the Election Committee, which proceeded based on some other version of the bylaws, until sometime in May 2023.

This is not the first time this Caucus has encountered issues arising out of there being competing versions of its bylaws and, in a previous Caucus election cycle, the CRC had to intervene to assure that the election was conducted in accordance with the duly adopted Caucus bylaws, as well as the CDP Bylaws.

Although the new guidelines for the Certification/Recertification/Decertification of Caucuses, operative for Caucuses certified/recertified in 2023 and later, provide for greater protocols for assuring that everyone is aware of Caucus bylaws, that Caucus bylaws are promptly posted and that Caucus bylaws are largely uniform, those guidelines are not applicable to this election.

As noted above, the Challenger alleges that from about April 2, 2023, until an Election Committee meeting on May 8, 2023, the Caucus sent emails and other notices indicating that April 28 was the cutoff for eligibility to vote in the Caucus election. During that time, the Caucus published to candidates on May 2, 2023, that there were 214 eligible voters and, on May 8, 2023, that the final list of voters contained 264 members including those who had requested a dues waiver and had not been included in the May 2, 2023 count. Later that day, the Election Committee reversed course and determined that under the Caucus bylaws only 89 Caucus members were eligible to vote.

The Challenger also alleges that the Election Committee's determination to use "Election Buddy" for the conduct of the election deprived Caucus members of the right to cast provisional ballots.

The Guidelines for the Certification/Recertification/Decertification of Caucuses applicable to this election provide for adequate notice of selection procedures for Caucus officers (Section 4. D.6.i) and for notice of meeting agendas (Section 4.D.6.f.ii) and for the use of

provisional ballots in Caucus elections and the timely determination of the validity of ballots cast provisionally (Appendix A, paragraph 5). The foregoing notices and procedures do not conform to these standards and do not provide adequate procedures for the casting, and resolution of issues raised by, the ballots of the over 170 members who joined the Caucus by April 28, 2023, but were not members as of November 2022.

ORDER:

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

To allow the election to go forward as noticed, the voters in the election shall be divided into three categories, each of whom is to be given a different color ballot.

- Those current Caucus members who were eligible to vote BOTH because they were members as of November 19, 2022, AND who were eligible to vote because they were members as of April 28, 2023, are to be given blue ballots. These voters are entitled to vote under any version of the bylaws and, thus, their ballots should be counted no matter what the outcome of any resolution of the issues presented here. These voters should have their ballots placed in an envelope stating, “Both Lists.”
- Those current Caucus members who may be eligible to vote SOLELY because they were members of the Caucus as of April 28, 2023, are to be given pink ballots. These voters should have their ballots placed in an envelope bearing the April 28, 2023, date. The Election Committee shall determine the eligibility of these voters as soon as possible. In any event, the determination must be made before tallying the ballots.
- Although it is doubtful there are any, any current Caucus member who may be eligible to vote solely because they are current members and also were members of the caucus as of November 19, 2022, are to be given green ballots. These voters should have their ballots placed in an envelope bearing the November 19, 2022, date. The Election Committee shall determine the eligibility of these voters – should there be any -- The Election Committee shall determine the eligibility of these voters as soon as possible. In any event, the determination must be made before tallying the ballots.
- Any other provisional voters shall be given white ballots. These voters should have their ballots placed in an envelope bearing the word “NOT on LISTS.” The Election Committee shall determine the eligibility of these voters – should there be any – after balloting has closed, but before tallying the ballots.
- Each category of ballots shall be tallied separately, and envelopes shall be used to verify the number of blue, pink, green and white ballots cast. Notwithstanding the separate tallies, the vote totals published to the membership as the election results shall reflect the total votes received by each candidate cast by voters found eligible by the Election Committee.

- To facilitate the voting process, the Election Committee shall compile lists of voters in each of the following categories as soon as possible, but in no event later than 24 hours before the Caucus meeting. An observer from each slate of candidates shall be afforded the opportunity to meet with the Election Committee no later than 24 hours before the Caucus meeting to review the lists to verify the accuracy of the list. By not later than the gaveling in of the Caucus meeting, the Election Committee shall provide the CRC, through the following email address, with the final list of voters in each category: caucuses@cadem.org. For purposes of the lists, the following are the categories:
 - Those current Caucus members who were eligible to vote BOTH because they were members as of November 19, 2022, AND who were eligible to vote because they were members as of April 28, 2023.
 - Those current Caucus members who may be eligible to vote solely because they were members of the Caucus as of April 28, 2023.
 - Any current Caucus member who may be eligible to vote solely because they were members of the caucus as of November 19, 2022.

Additionally,

- The Election Committee shall designate not more than two of its members to issue ballots to voters as they check in. An observer for each slate may observe each of the designees distributing ballots. In addition, the CRC shall have two designees present at the distribution of ballots to assist with any questions concerning the meaning of this order and to help ensure compliance with the ballot issuance process. Issues concerning the issuance of a correct ballot and the correct labeling of the ballot envelope shall be resolved at the time ballots are issued to the maximum extent possible.
- As noted above, the issues concerning eligibility of current Caucus members to vote shall be decided by the Caucus Election Committee as soon as possible. In any event, the determination must be made before the tallying of any votes. The CRC shall have two designees present at the meeting concerning the eligibility of current Caucus members to vote to assist with any questions concerning the meaning of this order and to help ensure compliance with the requirement that the eligibility determination is made and made in a timely manner.
- In resolving the issues concerning the eligibility of current Caucus members to vote, the Election Committee should consider:
 - the competing Caucus bylaws;
 - the fact that the CDP Bylaws require adequate notice of selection procedures, including Caucus election procedures;
 - the fact that the Guidelines for the Certification/Recertification/Decertification of Caucuses applicable to this election provide for adequate notice of selection procedures for Caucus officers (Section 4. D.6.i) and for notice of meeting agendas (Section 4.D.6.f.ii); and

- the CRC's admonition that failure to provide a meaningful opportunity to vote, and have that vote counted, to potential voters who received information -- that appeared to be authoritative -- from the Caucus that led them to believe they were entitled to vote would not be consistent with fundamental values of transparency and fairness to which our Party is committed.

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 June 5, 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 June 5, 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

M E M O R A N D U M

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: May 25, 2023

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

INTRODUCTION:

On May 16, 2023, CDP Progressive Caucus Member, David Ross Jr., filed a challenge relating to the actions by the CDP Progressive Caucus regarding the election of Caucus officers scheduled to be held from 10:00 am- 6:30 pm electronically through Election Buddy.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

1. Challenge submitted by CDP Progressive Caucus Member, David Ross on May 16, 2023 and supporting documents
 - a. Exhibit A – Email notice from the Progressive Caucus
 - b. Exhibit B – Google Form
2. Testimony submitted by the CDP Progressive Caucus Chair, Amar Shergill, Sudi Farokhnia and Anthony Konstantine in opposition
3. There were no responses supporting this challenge submitted
4. Late Testimony submitted by Emma Jenson

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.)

There is an argument to be made that the challenge by Mr. Ross is untimely, since the official notice of a hybrid meeting at the convention by the Progressive Caucus occurred prior to the 7-day time limit. However, Mr. Ross was not a member of the Caucus when the initial violation occurred; the day he became a member of the Caucus, he was adversely affected and he filed a challenge immediately.

This is a pre-election challenge, which was submitted before the election has commenced and the challenge was made on May 16, 2023, the day that Mr. Ross joined the Caucus and the first day that Mr. Ross had standing. Given such, and the fact that the election has not yet been conducted, there is no basis for finding that the complaint is untimely.

Section 4. J of the CRC Procedural Rules allows for a waiver of the time limit for good cause. Given the importance of the compliance issues presented here, the CRC unanimously found that even if it were not timely, the best interests of the Party would warrant a waiver of the 7-day time limit in the circumstances here.

STANDING:

According to Article XII, Section 3:

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

Mr. Ross is a member of the Progressive Caucus and made plans to attend the Caucus meeting in person to participate in the election. Mr. Ross contends that Caucus members not present and voting remotely would have the same rights as those attending in person despite the fact that they are not entitled to so under the CDP Bylaws.

The CDP stands strongly in support of the voting rights of all persons who are entitled, under the applicable rules, to vote. Here, the allegation, which the CRC sustains, is that those entitled to vote are only those who attend the meeting in person, who sign in for the meeting and are duly credentialed at that time, and who cast their ballot before the closing gavel. The extension -- in violation of the applicable rules -- of voting privileges to those who are not entitled to vote under the bylaws adversely affects the interests of those who are entitled to vote and who do so. Accordingly, Mr. Ross is adversely affected and 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 jurisdiction under Article XI of the CADEM Bylaws, which establishes special group caucuses as constituent parts of the CADEM, and because the alleged violation is of Article XIV, Section 3.A, which governs constituent parts of the CADEM, including Caucuses.

DISCUSSION/FINDINGS

The challenger claims that the Progressive Caucus issued a notice that the officer election at the upcoming Convention will be processed through Election Buddy and that voting will be from 10:00 AM to 6:30 PM and that participants who attend both in person and virtually will be allowed to vote at the election.

The challenger further claims that the Progressive Caucus is in violation of Article XIV, Section 3. A. of the CDP Bylaws which state as follows:

It is the express preference of This Committee that meetings should, when possible, be held in person; however, notwithstanding any other provisions of the bylaws, the Chair of This Committee may, in the event of:

1. *the existence of official government orders prohibiting or limiting the gathering of persons, or,*
2. *a finding of similarly extraordinary circumstances by the Chair of This Committee with the concurrence of 2/3rds of the State Officers of This Committee, as defined in Article III, Section 4, a, allow for any meetings of This Committee or its constituent parts to be conducted by appropriate remote communications technologies provided that the Chair of This Committee shall assure full and fair access to the meeting by the members of This Committee and all members of the Democratic Party consistent with the provisions of Article XIII of these bylaws and the Policy Statement By the Rules Committee of the California Democratic Party on the Open Meeting Rule. Any such determination shall be final.*

The Progressive Caucus, in its opposition to the challenge, stated that Article II (Voting Eligibility and Procedures for Caucus Business and Officer Elections), Section E, 3 of their Bylaws, specifically permits remote voting. The section only states:

All members in good standing of the Caucus will be eligible to vote for Caucus business or in Officer elections.

Furthermore, Article II Section E , 1 states:

Those who wish to vote for any Caucus business including the Officer elections must be Members in good standing, defined as meeting the criteria outlined in Article II Section C of these bylaws, at the time specified for voting. Anyone who becomes a new Member on the date of an officer election is eligible to vote.

Article II Section E, 4 of the bylaws state that “The period for any balloted vote, including Officer elections, shall commence from the opening gavel and close at the closing gavel.”

Also, “the ballot box is to be placed in the meeting room in full view of the membership throughout the course of the meeting both the balloting and counting period.”

Upon review of the CDP Bylaws and the Progressive Caucus Bylaws, the CRC determined that *a hybrid meeting of Progressive Caucus* where members who were not present at convention is not in alignment with the Bylaws of the CDP nor with the Bylaws of the Progressive Caucus.

The balloting period on Saturday, May 27th from 10 am - 6:30 pm violates the Progressive Caucus bylaws that dictate balloting from opening gavel to closing gavel of meeting.

The March 23, 2023 Progressive Caucus Bylaws, Article II Section E, 4 provides the process for conducting in person balloted votes, including the placement of the ballot box. The ballot box has to be in full view of the membership in the meeting room during the meeting and ballot counting.

The CDP sought clarification from staff to determine whether the Progressive Caucus sought approval to hold a remote or virtual meeting. Staff stated that the Progressive Caucus chose to meet in person, declining the opportunity to meet fully remotely. Only once it was determined that an outdoor location for the meeting was not feasible did the Caucus decide to move to a hybrid meeting structure; and it did so without submitting a request or receiving authorization by 2/3rds of the officers. By so doing, the Caucus violated the CADEM Bylaws.

The Progressive Caucus further contends that they chose to move to a hybrid meeting structure in light of many Caucus members expressing a concern for COVID exposure risk at an in-person meeting, despite no public ordinances being in effect in the County of Los Angeles or in the State of California limiting in person gatherings.

On February 28th Governor Gavin Newsom issued a proclamation officially marking the end to the COVID-19 Pandemic in the state of California after nearly three years. The proclamation states:

“I, GAVIN NEWSOM, Governor of the State of California, having found pursuant to Government Code section 8629 that the conditions of extreme peril to the safety of persons and property declared in the State of Emergency proclamation listed below no longer exist, therefore proclaim that the State of

Emergency proclaimed on the following date and in the following jurisdiction no longer exists, effective at 11:59 p.m. on February 28, 2023.”

ORDER:

Based upon the findings and the Bylaws of the CDP, the CRC makes the following determinations:

The Progressive Caucus must conduct its election in person on Saturday, May 27, 5:30 pm - 7:15 pm at the JW Marriott Hotel, 900 West Olympic Boulevard, Los Angeles, Meeting Room: Platinum D. The only eligible voters will be current members of the Caucus who have signed in and are attending the meeting in person.

Balloting shall conform to the Progressive Caucus Bylaws.

In accordance with Progressive Caucus bylaws the balloting period shall only extend from the opening gavel to the closing gavel of the meeting of the Progressive Caucus, and no remote balloting will be permitted.

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 June 6, 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 Saturday, June 6, 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

MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: August 8, 2023

RE: **COMPLIANCE REVIEW COMMISSION (CRC) INTERIM ORDER RELATING TO A CHALLENGE FILED BY JUAN VAZQUEZ**

INTRODUCTION:

On June 9, 2023, the CDP Chicano Latino Caucus member and candidate, Juan Vazquez, filed a challenge relating to the actions of the CDP Chicano Latino Caucus (CLC) in the conduct of the election for the Region 4 Central Valley Vice Chair held on May 27, 2023.

The challenger alleges that ineligible members were allowed to vote in violation of the CLC Caucus Bylaws. He further alleges that this arose from the false apprehension that the Rules Committee issued a decision stating that members in good standing (dues paid) who wanted to vote had to join the Caucus at least 30 days in advance of the election date.

The challenger claims that there was a discrepancy in the notices from the Caucus advertising the eligibility criteria of members in order to vote in the CLC elections. Previously, the Caucus By-Laws allowed same-day registration at the meeting. The Caucus asserted that under the new Rules Committee changes, members must register at least 30 days in advance to vote. The challenger also claims that the CLC advertised that members had to pay/waive dues 35 days before the meeting to vote (April 30, 2023). According to the challenge, in addition to the discrepancy between the same-day deadline in the Caucus Bylaws and the advance membership cutoff in the notices published to members, there was a discrepancy in the published voter registration deadlines with different notices to Caucus members indicating different deadline dates – April 22nd and April 30th. Further, the challenger, who was a candidate for the contested office of Region 4 Central Valley Vice Chair, alleges that he was not allowed to have a representative observe the counting of ballots. He doesn't believe the Caucus retained the ballots & tallies as stated in the CLC Bylaws.

According to the challenge, on May 15th, the challenger and the other Region 4 Central Valley Vice Chair candidate, Tony Madrigal, received an email from CLC Chair Carlos Alcala that included a Google Sheet listing only 12 eligible voters. The next day, Mr. Vazquez sent a confirmation email hoping to resolve the eligibility of what Mr. Vazquez contended to be inappropriately omitted members/voters. Chair Alcala confirmed he would double check, but reminded Mr. Vazquez that the CDP had adopted new rules that restricted voters.

On May 29th, Mr. Vazquez received an email reply stating that he had lost the election to Mr. Madrigal, and that the vote tally was 13 to 20. Mr. Vazquez contested the result totals as

they did not match the original list with 12 eligible voters which had been shared with him on May 15th.

Mr. Vazquez requests the following:

1. The election results in the CLC Central Valley Vice Chair race be thrown out, and that a new special election take place under the supervision of CADEM staff.
2. The CLC be ordered to follow its bylaws and election policies and procedures so that only eligible voters are allowed to vote.
3. Candidate Vazquez be allowed to have a representative observe every aspect of the election.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

1. Challenge submitted by CDP Chicano Latino Caucus Member and Candidate, Juan Vazquez, on June 9, 2023, and 5 supporting documents.
 1. Exhibit 1 - CLC Email announcing the annual membership dues deadline of April 30, 2023.
 2. Exhibit 2 – Email notice on May 15, 2023, sharing the eligible voters list.
 3. Exhibit 3 - Email reply on May 29, 2023, noticing the results of the Region 4 Central Chair Candidates
 4. Exhibit 4 – CLC May 27, 2023, Meeting Agenda
 5. Exhibit 5 - CLC Caucus Bylaws
2. The CDP Staff would like to note that the CDP Staff received a response on July 5, 2023, from Chair Carlos Alcala, but it was not in proper format. On July 6, 2023, CDP Staff requested that the respondent resubmit its testimony and response within 5 days in proper format as it did not adhere to the submission requirements. The CLC Caucus Chair Carlos Alcala failed to submit a revised response.

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. Vazquez originally submitted the challenge June 4, 2023. On June 6, 2023, CDP Staff requested that Mr. Vazquez resubmit his challenge within 5 days in proper format as it did not adhere to the challenge submission requirements. On June 9, 2023, CDP Staff received their updated challenge.

The Complaint relates to the CLC election conducted on May 27,2023, the results of the election were published on May 29, 2023. Mr. Vazquez filed their original challenge within 7 days of the election results being published, and was appropriately revised by the stated deadline. In such circumstances, the challenge is timely.

STANDING:

According to Article XII, Section 3:

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

Mr. Vazquez is a member of the Chicano Latino Caucus and candidate for Region 4 Central Valley Vice Chair. The discrepancies in notices provided to voters and the number of eligible voters who participated in the election affected his candidacy in a manner that affects him sufficiently to confer 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 Caucus is a constituent part of the CDP and the allegations that the Caucus acted in derogation of its Bylaws in allowing ineligible voters to participate, as well as issues of notice all are a sufficient basis to confer jurisdiction under Article XIII, Section 6 (Timely Publication of Selection Procedures) of the CDP Bylaws.

In this particular challenge, the CRC really struggled to understand the events that transpired in and around the CLC elections conducted on May 27,2023. The challenge submitted by the challenger, and the improperly formatted response provided by the respondent does not

provide the CRC with a clear statement of the record of the events that actually transpired in and around the election nor of the challenger's exhaustion efforts. Given that the record was not sufficiently clear, the CRC did not feel that it could make a fair and informed decision in this manner without a further development of the record. However, the evidence was sufficiently clear to allow the CRC to determine that the challenge was timely, that the CRC has jurisdiction and that the challenger has standing and was adversely affected by the discrepancies in the notices issued by the CLC and the list of eligible voting members shared with the candidate.

From the evidence presented, the CRC was able to determine that Mr. Vazquez was provided with a list of all eligible voters in his particular race which indicated that there were a total of 12 eligible voters for his particular election. When the official results were announced, the result was a vote of 13-20 in favor of Mr. Vazquez's opponent; thus, 33 individuals actually cast ballots in that particular election. The CRC finds this discrepancy particularly troubling.

Additionally, the evidence suggests that the CLC failed to allow Mr. Vazquez to have an observer present during the ballot counting process which is in violation of the CLC Bylaws and our Party's basic notions of fairness in Caucus elections.

There appears to have been confusion amongst the leadership of the CLC as to the operative rules for the election—which may reflect a lack of clarity as to which version of their Caucus Bylaws governed this election.

It appears that some portion of this confusion may have arisen from a misunderstanding of the newly promulgated Guidelines for Certification, Re-Certification and Decertification of Caucuses. In this regard, every few years, the CDP Rules Committee routinely undertakes a process by which it evaluates the rules governing Caucuses and makes adjustments to those rules as part of the quadrennial recertification cycle. In the months before the election, the Rules Committee issued new Guidelines for the next Caucus Certification/Recertification cycle. These Guidelines included new, mandatory Bylaws provisions for Caucuses. The Rules Committee did not purport to automatically amend or replace existing Caucus Bylaws; instead, the new Guidelines and mandatory Bylaws provisions – while they were intended to be, and are, requirements for certification/recertification of the Caucus – must be affirmatively adopted by the Caucus through a Bylaws amendment process. Although it is not sufficiently clear on this record, it appears that the CLC may have been conducting the challenged election with some hybrid of the CLC bylaws approved by the Caucus, as well as the new mandatory Bylaws promulgated by the Rules Committee, but which the CLC appears to have failed to properly adopt.

The CRC notes that the lack of clarity in the record is attributable, in considerable part, to the failure of the CLC Caucus to submit a response to the challenge in the format required by the CRC Procedural Rules. In addition to the failure to adhere to the proper formatting requirements, the response did not attach the Caucus Bylaws that were operative at the time of the election – although the content of those Caucus Bylaws was clearly a key fact in the resolution of the challenge. Further, the organization and content of the CLC response made it virtually impossible to construct an accurate timeline of events. Nevertheless, the CLC response indicated a unanimous consensus by the Caucus leadership to attempt to remedy

the violation and included a statement that the Caucus has begun taking steps to rerun the election in an effort to render the challenge moot.

The CRC unanimously finds that, given the Caucus's interest in rerunning the election, the best interests of the Party are served by allowing the parties to attempt to reach a stipulated agreement to remedy the situation with the approval of the CRC pursuant to the CRC Procedural Rules Section 5: POWERS (D) 4.

INTERIM ORDER:

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

The CRC has decided to retain jurisdiction and defer a decision on the challenge in an attempt to allow the parties to reach a stipulated agreement on this matter pursuant to the CRC Procedural Rules Section 5: POWERS (d).

Accordingly, the CRC has decided to defer making a final decision pending the meeting of CRC Lead Co-Chairs Lara Larramendi and Nicole Fernandes with the CLC Chair, Carlos Alcala and CLC Candidates Juan Vazquez and Tony Madrigal during the CDP EBoard at 1 pm on Friday, August 18, 2023, in Visalia.

Chair Alcala and Candidates Vazquez and Madrigal are hereby directed to attend this meeting.

In order to allow the CRC to resolve this dispute in the event an amicable resolution is not reached, the following documents must be submitted to the CRC. Except for the ballots (which are to be brought to the meeting on August 18, 2023, in Visalia), these documents are to be submitted by 5 pm Wednesday, August 16, 2023:

1. 2023 May Convention CLC Caucus Election ballots (all) and Provisional Ballots (bring to Visalia 08/18/23)
2. 2023 May Convention CLC Caucus Election Tally Sheet (scan & email by August 16th)
3. 2023 May Convention CLC Caucus Election List of Eligible Voters, listed by city and county (scan & email by August 16th)
4. The CLC Bylaws that were in effect at the time of the election (scan & email by August 16th). (For clarity, what is being sought are the CLC Bylaws adopted by the CLC membership and NOT the required/template Bylaws based on the Rules Committee Guidelines regarding the Recertification process.)

All required materials are to be emailed to CRC@cadem.org

Accordingly, this decision is so ordered, and is in effect, unless, and until, a final decision is made by the CRC.

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

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

M E M O R A N D U M

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: August 3, 2023

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

INTRODUCTION:

On June 1, 2023, CDP Black Caucus Member and Candidate, Eugene Fields (Mr. Fields or Challenger), filed a challenge relating to the actions by the CDP Black Caucus regarding the election of Caucus officers scheduled for Saturday, May 27, 2023.

On June 6, 2023, CDP staff requested that the Challenger resubmit the Challenge in the proper format. The deadline for that submission was June 11, 2023. On June 11, 2023, CDP staff received the revised Challenge.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

1. Challenge submitted by Eugene Fields on June 11, 2023 along with 5 exhibits.
 - a. Exhibit 1 – Table of membership and candidate eligibility status
 - b. Exhibit 2 – Email disputing the candidacy of Taknesha Allen for the Black Caucus Parliamentarian
 - c. Exhibit 3 – Letter from Dr. Margaret Fortune, Recording Secretary disputing the eligibility of Kampala Taiz-Rancifer for Recording Secretary
 - d. Exhibit 4 – CDP Black Caucus Membership List
 - e. Exhibit 5 – CDP Black Caucus Bylaws
2. Responses of Black Caucus Election Committee members Taknesha Allen submitted on July 5, 2023 and Latressa Alford submitted on June 30, 2023.

3. The CRC posed the following two questions to the Black Caucus Election Committee, and requested a response by July 5, 2023. To date, no response has been received.
 - What date did the Caucus or its Election Committee notify the Caucus of the election results, including the tallies? Please provide a copy of that notice.
 - Did the Election Committee advise the Treasurer of the depositing of the ballot box with the Party and a copy of any notice to that effect?

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.)

As a result, challenges must be filed within seven calendar days of the alleged violation. The initial challenge was filed on June 1, 2023. The Complaint relates to the Election Committee decision on, and the CDP Black Caucus Election conducted on Saturday, May 27, 2023. The Challenge revised in response to CDP staff’s request was received by the stated deadline. In such circumstances, the challenge is timely.

STANDING:

According to Article XII, Section 3:

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

Eugene Fields is a member of the Caucus and a candidate for election in the 2023 Caucus officer election. Uncertainty about the number and eligibility of voters and the eligibility of candidates who stood for election affect his candidacy in a manner that affects him sufficiently to confer 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 Caucus is a constituent part of the CDP and the allegations that the Caucus acted in derogation of its Bylaws in allowing ineligible candidates to run and ineligible voters to run, as well as issues of notice all are a sufficient basis to confer jurisdiction under Article XIII, Section 6 (Timely Publication of Selection Procedures) of the CDP Bylaws. The CRC also notes that, given that the Caucus Chair is a member of the CDP Executive Board, there is probable jurisdiction under Article XIII, Section 5 (Full Publication of Selection Procedures)

EXHAUSTION OF REMEDIES

The evidence submitted by the Challenger, Mr. Fields, does not reflect exhaustion of internal remedies as the exhaustion effort he references is an effort undertaken before the operative events took place. Thus, the final decision on eligibility and the election both took place on May 27, 2023, but the purported effort to exhaust took place on May 26, 2023. As Mr. Fields notes,

“I appealed to the Elections Committee via email on May 26, 2023 regarding all of these issues. A representative of the Elections Committee responded, refusing to investigate my claims (and others), responding:

‘Ms. Unique Fields(sic) has your petition. She can forward it to the Rules Committee. We have been charged by the Rules Committee to perform the election with transparency and fairness. At this time, we cannot determine whether a candidate does not qualify to run. It would require an investigation. We are an ad hoc committee, and our job is over at the end of the election tomorrow. There are complaints on both sides that candidates are not eligible.’”

Ordinarily, in such circumstances, the CRC would dismiss the charge for failure to exhaust internal Caucus remedies. However, under CRC Rules of Procedure, Section 3.C.2.c, exhaustion may be excused where exhaustion would be futile. In response to Mr. Fields’ May 26, 2023, challenge, the CDP Black Caucus Election Committee erroneously stated that “our job is over tomorrow” and that an investigation was outside its purview. These

circumstances provide a sufficient factual basis for finding that exhaustion would have been futile.

Further, where, as here, compliance with a previous order of the CRC – here, the CRC’s order issued on May 24, 2023 – is implicated *and* there are serious questions about whether internal exhaustion would have been futile, the CRC finds that the best interests of the Party are served by the CRC resolving this dispute notwithstanding the failure to exhaust.

Accordingly, the CRC will address this matter on the merits. In so doing, the CRC emphasizes that any exercise of jurisdiction where, as here, a Challenger has not exhausted internal remedies is extraordinary and not undertaken casually. The fact that the CRC has exercised jurisdiction here is not intended to be, and should not be regarded as, an invitation to submit challenges to the CRC without attempting to exhaust internal remedies in any but the most extraordinary of circumstances.

DISCUSSION

At the heart of this dispute is the same issue raised in the May 15, 2023, challenge filed by Kendra Lewis, which the CRC addressed in its decision dated May 24, 2023. Accordingly, the decision and discussion in that case are relevant to the disposition of the Challenge here.

As the CRC decision of May 24, 2023 noted, for this election, there was an issue about what were the operative CDP Black Caucus Bylaws prior to the election and there were also significant notice issues associated with the use of the Bylaws cited by Mr. Fields. In this regard, the CRC stated:

“ . . . Appendix A, paragraph 5 of the Party’s Guidelines for Certification/Recertification/Decertification of Caucuses provides for Caucus elections to have fully publicized provisional ballot procedures. The purpose of this rule is to allow a mechanism for recording the vote of every Caucus member who has a good faith belief in their right to cast a ballot so that a determination can be made with respect to the right to vote of that voter and whether to count the ballot that voter has cast. Here, it is uncontroverted that the Caucus has failed to create a balloting/provisional balloting process that makes the identity of those whose voting rights are in issue readily identifiable so that a post-election determination of their voting rights – including in the event of any appeal – can be made. The absence of such a system affects the rights of over 170 Caucus members who met the published membership deadline for participation in the Caucus election, but did not meet the deadline the Caucus later decided to use.

* * *

The principal issue here is brought about by confusion about the applicable Caucus bylaws. It appears that the bylaws cited by the Caucus officers as having been duly adopted and operative were not posted until, at the earliest, May 2, 2023, although these bylaws assertedly were adopted in November 2022. The bylaws cited by the

Caucus officers as duly adopted and operative were apparently unknown to the Election Committee, which proceeded based on some other version of the bylaws, until sometime in May 2023.

This is not the first time this Caucus has encountered issues arising out of there being competing versions of its bylaws and, in a previous Caucus election cycle, the CRC had to intervene to assure that the election was conducted in accordance with the duly adopted Caucus bylaws, as well as the CDP Bylaws.

* * *

. . . [T]he Challenger alleges that from about April 2, 2023, until an Election Committee meeting on May 8, 2023, the Caucus sent emails and other notices indicating that April 28 was the cutoff for eligibility to vote in the Caucus election. During that time, the Caucus published to candidates on May 2, 2023, that there were 214 eligible voters and, on May 8, 2023, that the final list of voters contained 264 members including those who had requested a dues waiver and had not been included in the May 2, 2023 count.

Later that day, the Election Committee reversed course and determined that under the Caucus bylaws only 89 Caucus members were eligible to vote.

* * *

The Guidelines for the Certification/Recertification/Decertification of Caucuses applicable to this election provide for adequate notice of selection procedures for Caucus officers (Section 4. D.6.i) and for notice of meeting agendas (Section 4.D.6.f.ii) and for the use of provisional ballots in Caucus elections and the timely determination of the validity of ballots cast provisionally (Appendix A, paragraph 5). The . . . [then-proposed and challenged] notices and procedures do not conform to these standards and do not provide adequate procedures for the casting, and resolution of issues raised by, the ballots of the over 170 members who joined the Caucus by April 28, 2023, but were not members as of November 2022.”

The CRC sought to allow the CDP Black Caucus Election Committee to resolve these issues itself and provided guidance as to how to do so in its May 24, 2023, order, which is quoted below:

“ORDER:

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

To allow the election to go forward as noticed, the voters in the election shall be divided into three categories, each of whom is to be given a different color ballot.

- Those current Caucus members who were eligible to vote BOTH because they were members as of November 19, 2022, AND who were eligible to vote because they were members as of April 28, 2023, are to be given blue ballots. These voters are entitled to vote under any version of the bylaws and, thus, their ballots should be counted no matter what the outcome of any resolution of the issues presented here. These voters should have their ballots placed in an envelope stating, “Both Lists.”
- Those current Caucus members who may be eligible to vote SOLELY because they were members of the Caucus as of April 28, 2023, are to be given pink ballots. These voters should have their ballots placed in an envelope bearing the April 28, 2023, date. The Election Committee shall determine the eligibility of these voters as soon as possible. In any event, the determination must be made before tallying the ballots.
- Although it is doubtful there are any, any current Caucus member who may be eligible to vote solely because they are current members and also were members of the caucus as of November 19, 2022, are to be given green ballots. These voters should have their ballots placed in an envelope bearing the November 19, 2022, date. The Election Committee shall determine the eligibility of these voters – should there be any -- The Election Committee shall determine the eligibility of these voters as soon as possible. In any event, the determination must be made before tallying the ballots.
- Any other provisional voters shall be given white ballots. These voters should have their ballots placed in an envelope bearing the word “NOT on LISTS.” The Election Committee shall determine the eligibility of these voters – should there be any – after balloting has closed, but before tallying the ballots.
- Each category of ballots shall be tallied separately, and envelopes shall be used to verify the number of blue, pink, green and white ballots cast. Notwithstanding the separate tallies, the vote totals published to the membership as the election results shall reflect the total votes received by each candidate cast by voters found eligible by the Election Committee.
- To facilitate the voting process, the Election Committee shall compile lists of voters in each of the following categories as soon as possible, but in no event later than 24 hours before the Caucus meeting. An observer from each slate of candidates shall be afforded the opportunity to meet with the Election Committee no later than 24 hours before the Caucus meeting to review the lists to verify the accuracy of the list. By not later than the gaveling in of the Caucus meeting, the Election Committee shall provide the CRC, through the following email address, with the final list of voters in each category: caucuses@cadem.org. For purposes of the lists, the following are the categories:
 - Those current Caucus members who were eligible to vote BOTH because they were members as of November 19, 2022, AND who were eligible to vote because they were members as of April 28, 2023.

- Those current Caucus members who may be eligible to vote solely because they were members of the Caucus as of April 28, 2023.
- Any current Caucus member who may be eligible to vote solely because they were members of the caucus as of November 19, 2022.

Additionally,

- The Election Committee shall designate not more than two of its members to issue ballots to voters as they check in. An observer for each slate may observe each of the designees distributing ballots. In addition, the CRC shall have two designees present at the distribution of ballots to assist with any questions concerning the meaning of this order and to help ensure compliance with the ballot issuance process. Issues concerning the issuance of a correct ballot and the correct labeling of the ballot envelope shall be resolved at the time ballots are issued to the maximum extent possible.
- As noted above, the issues concerning eligibility of current Caucus members to vote shall be decided by the Caucus Election Committee as soon as possible. In any event, the determination must be made before the tallying of any votes. The CRC shall have two designees present at the meeting concerning the eligibility of current Caucus members to vote to assist with any questions concerning the meaning of this order and to help ensure compliance with the requirement that the eligibility determination is made and made in a timely manner.
- In resolving the issues concerning the eligibility of current Caucus members to vote, the Election Committee should consider:
 - the competing Caucus bylaws;
 - the fact that the CDP Bylaws require adequate notice of selection procedures, including Caucus election procedures;
 - the fact that the Guidelines for the Certification/Recertification/Decertification of Caucuses applicable to this election provide for adequate notice of selection procedures for Caucus officers (Section 4. D.6.i) and for notice of meeting agendas (Section 4.D.6.f.ii); and
 - the CRC’s admonition that failure to provide a meaningful opportunity to vote, and have that vote counted, to potential voters who received information -- that appeared to be authoritative -- from the Caucus that led them to believe they were entitled to vote would not be consistent with fundamental values of transparency and fairness to which our Party is committed.”

There were no then-current Caucus members who were eligible to vote solely because they were members of the caucus as of November 19, 2022. Accordingly, the Elections Committee resolved these questions by finding eligible to vote anyone who was a Caucus member as of April 28, 2024. The Elections Committee also segregated by color the ballots of the two groups of voters — those Caucus members who (1) were potentially eligible to

vote either because they were members as of November 19, 2022, and as of April 28, 2023; and (2) who were potentially eligible to vote solely because they were members of the Caucus as of April 28, 2023. The Elections Committee also allowed any other then-current Caucus member to cast a provisional ballot.

These decisions were consistent with the CRC's May 24, 2023, order. These decisions afforded appropriate weight to (1) the fact that the CDP Bylaws require adequate notice of selection procedures, including Caucus election procedures; (2) the fact that the Guidelines for the Certification/Recertification/Decertification of Caucuses applicable to this election provide for adequate notice of selection procedures for Caucus officers (Section 4. D.6.i) and for notice of meeting agendas (Section 4.D.6.f.ii); and (3) the CRC's admonition that failure to provide a meaningful opportunity to vote, and have that vote counted, to potential voters who received information -- that appeared to be authoritative -- from the Caucus that led them to believe they were entitled to vote would not be consistent with fundamental values of transparency and fairness to which our Party is committed.

In these circumstances, we find no error by the CDP Black Caucus Election Committee's decision to count the ballots of all those who did not cast a provisional ballot and who were members as of April 28, 2023. Accordingly, we find no merit to the allegation that ineligible voters were allowed to cast a ballot or to the allegation that ineligible candidates were allowed to run for Caucus officer positions. As a consequence, these aspects of the Challenge are hereby dismissed.

With respect to the provisional ballots, the Challenger contends that the provisional ballots were somehow inadequately labeled because they don't indicate the basis for disqualification or the name of the challenged voter and that somehow this may have affected the outcome of the election. Given the nature of the allegations, the CRC directed staff to open the sealed ballot box and retrieve the tally sheets and provisional ballots.

A review of the provisional ballots shows that substantially all of them listed the basis for disqualification of the voter and categorization of ballot as provisional, which was that the individual's name was not on the list of eligible voters. The evidence convincingly demonstrates that this was the basis underlying the categorization as provisional of all of the ballots designated as provisional.

A review of the list of provisional voters shows that the names of all provisional voters was recorded on the provisional voter list, although not on the voting envelope.

Under CRC Rules of Procedure 6.I, "Proponents of a challenge to an Assembly District Election Meeting or other election or decision must demonstrate by a preponderance of the evidence that there is a reasonable likelihood 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 and that said conduct or actions resulted in an outcome adverse to the Proponent(s) of the challenge." Under CRC Rules of Procedure 6.I, "Proponents of a challenge to an Assembly District Election Meeting or other election or decision must demonstrate by a preponderance of the evidence that there is a reasonable likelihood 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 and that said conduct or actions resulted in an outcome adverse to the Proponent(s) of the challenge.” That standard was not met here. While it was an error not to note the name of the provisional voter on the outside of the provisional ballot envelope, given the CRC’s disposition of the eligibility questions, there was no error in disqualifying the ballots of voters who were not on the eligibility lists. Errors in entering data on the outside of the provisional ballot envelope – and, in particular, the omission of the listing of the name of the voter casting the ballot on the outside of each provisional voter’s ballot envelope – was not the kind of error that plausibly could have affected the outcome of the election.¹

ORDER

All of the allegations in the Challenge are found without merit and the Challenge is denied. The election results are upheld in all respects.

Staff is directed to make the tally sheets available to all CDP members by posting them along with this decision on the CRC website.

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 August 15, 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 August 15, 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, Vice-Chair, Credentials Committee
Nicole Fernandez, Vice-Chair, Rules Committee
Valeria Hernandez, Co- Chair, Rules Committee
Lara Larramendi, Co-Chair, Credentials Committee
Paul Seo, Vice-Chair, Credentials Committee
Laurence Zakson, Vice-Chair, Rules Committee

¹ This would appear to be especially true given the very large margin of victory in all but one of the contested races.