

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 Alcalá 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 Alcalá 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