

## MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: December 6, 2023

RE: SECOND INTERIM ORDER REGARDING CHALLENGE FILED BY JUAN VAZQUEZ RELATED TO THE CDP CHICANO LATINO CAUCUS ELECTION FOR REGION 4 CENTRAL VALLEY VICE-CHAIR

---

### INTRODUCTION:

1. On June 9, 2023, the CDP Chicano Latino Caucus (CLC) member and candidate for Region 4 Vice-Chair of the CLC, Juan Vazquez, filed a challenge (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.
2. After review of the Challenge and the CLC's response, on August 8, 2023, the Compliance Review Commission (CRC) issued an interim order (Interim Order) finding that the Challenge was timely, that the CRC had jurisdiction, that the challenger had standing and was adversely affected by the discrepancies in the election notice issued by the CLC and the list of the eligible voting members shared with the candidate.

The Interim Order did not resolve the dispute because the muddled state of the record made definitive findings beyond the foregoing impossible. However, given the CLC's willingness to re-run the election, the CRC ordered the parties to meet with CRC Co-Chairs Lara Larramendi and Nicole Fernandez on August 18, 2023, to review the relevant records and make arrangements for a stipulated re-run of the election.

In the Interim Order, the CRC retained jurisdiction of this matter and deferred a final decision pending the outcome of the August 2023 meeting.

3. On August 18, 2023, CRC Co-Chair Larramendi met with the affected parties and the parties agreed on:
  - a. A list of the 12 eligible voters;
  - b. The use of the January 16, 2022 CLC Bylaws as the source of the operative rules;
  - c. The re-run of the election at the CLC meeting held in conjunction with the November 2023 CDP Election; and
  - d. Various noticing issues.
4. The CLC meeting in conjunction with the November 2023 CDP Election was cancelled due to a security incident beyond the CDP's and the CLC's control.
5. The CLC Election Procedures in Article VIII of the January 16, 2022 CLC Bylaws

contemplate an in-person election (see, for example, Article VIII, Section 6) and allow for online voting only in the case of a pandemic (Article VIII, Section 4, “Online voting in a pandemic is also allowed as determined by the elections committee at its discretion.”)

## DISCUSSION

The security incident at the November 2023 Convention is an unanticipated event that has disrupted the parties’ amicable resolution of this matter and created new issues related to the rerunning of the election, which is the preferred solution of the parties and a solution that the CRC finds in the best interest of the Party.

For this reason, the CRC has determined that it is appropriate to reassert jurisdiction and to issue a second interim order to facilitate the effectuation of the parties’ and CRC’s intent to promptly re-run the CLC Region 4 election under the January 16, 2022 CLC Bylaws.

The January 16, 2022 CLC Bylaws provide, in Article VIII, Section 13, that “During an emergency such as the pandemic, the election committee or the EBoard may vary any provision of Article VIII as it is deemed necessary at their sole discretion.” While this provision is self-evidently overbroad, it expresses an intention to allow the CLC election committee some leeway to vary election procedures in exigent circumstances. Given the extended delay in the filling of the Region 4 Vice-Chair position and the unexpected and unprecedented circumstances surrounding the cancellation of the CLC meeting in conjunction with the November 2023 Convention, the CRC finds that the CLC, acting through its election committee, should exercise its discretion to vary the procedures in Article VIII to allow for a prompt election via online voting.

## 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 reassert jurisdiction and to enter the following order intended to allow the parties to effectuate their stipulated agreement on this matter. In so doing, the CRC is acting pursuant to its authority under CRC Procedural Rules Section 5: POWERS (d).

Accordingly, it is hereby ordered that:

1. The CLC election committee is ordered to meet before December 24, 2023, and take the following steps:
  - a. Find that the circumstances surrounding the cancellation of the CLC meeting in conjunction with the November 2023 Convention when considered in conjunction with the previous orders of the CRC and the extended delay in the rerun of the Region 4 Vice-Chair election meet the exigent circumstances requirement of Article VIII, Section 13 of the January 16, 2022 CLC Bylaws and,

as a result, the election committee is directing that a re-run election for the Region 4 Vice-Chair position (limited to the two stipulated candidates and 12 stipulated eligible voters) take place by online voting.

- b. Set a date for an online re-run election for Region 4 Vice-Chair election. The date shall be not later than February 20, 2024.
  - c. Establish a notice and all necessary election-related timelines and publish the timelines to the CLC membership.
  - d. Take such other steps as are necessary to assure the re-run election is conducted in accordance with Article VIII of the January 16, 2022 CLC Bylaws.
2. It is further ordered that CRC Co-Chair Lara Larramendi is hereby appointed to be a CRC representative and monitor for this re-run election and shall have authority to interpret the CLC Bylaws for purposes of the re-run election, subject to review by the CRC in the event of an election challenge unresolved within the CLC under the operative rules in Article VIII of the January 16, 2022 CLC Bylaws for resolving challenges.
  3. The CLC shall, by no later than March 5, 2024, report to the CRC the results of the re-run election and any challenge thereto.

The CRC retains jurisdiction over this matter.

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