

MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: April 16, 2024

RE: FINAL DECISION 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 canceled 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.”)

6. The CRC issued a Second Interim Order, December 6, 2023 directed the following:
 - a. The CLC election committee is ordered to meet before December 24, 2023, and take the following steps:
 - i. 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.
 - ii. 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.
 - iii. Establish a notice and all necessary election-related timelines and publish the timelines to the CLC membership.
 - iv. 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.
7. The CLC emailed notice of the re-run of Region 4 Vice Chair election on January 6, 2024 for an election held electronically using OpaVote on February 21-24, 2024.
8. The CLC emailed the results of the rerun election on February 25, 2024 which yielded Tony Madrigal as the winner 5-4.
9. On February 25, 2024 Chair Alcalá found an email from eligible CLC voter Barry Anderson stating that Mr. Anderson did not receive a ballot from OpaVote on February 24th prior to the close of voting. Mr. Anderson later submitted a vote via email to Chair Alcalá for Juan Vazquez on February 24th after the close of voting.

DISCUSSION

On April 10, 2024, the CRC received full access to the OpaVote voting platform with all voting information and results. After full review of all voting results and various email threads from the CLC Members, the CRC has found the following:

After considering the Second Interim Order shared on December 6, 2023, the CRC has determined that the fact that the election was noticed for, and held, via Opa Vote during the period from February 22-24, 2024, rather than the previously ordered deadline of February 20th

was a violation of the CRC interim order, but inasmuch as the election was properly noticed and actually conducted in conformity with the notice, any such violation was purely technical and immaterial to the determination of the election results.

The OpaVote information shows that Mr. Anderson received and opened the OpaVote email with the link to vote, but did not click on the link to submit a vote. Therefore, Mr. Anderson failed to cast a ballot through the designated voting system and, therefore, failed to cast a timely and valid ballot. Mr. Anderson's effort to cast an untimely vote outside the designated voting system does not constitute the casting of a valid ballot.

If Mr. Anderson's ballot is not counted, as it was not when voting closed, Tony Madrigal was the winning candidate, having received a majority of the ballots validly cast. The OpaVote tally was 5 votes for Mr. Madrigal and 4 votes for Mr. Vazquez.

Accordingly, the CRC hereby certifies Mr. Madrigal's election as the Region 4 Vice-Chair.

ORDER:

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

The CRC has voted to certify the election of the Region 4 Central Valley Vice Chair election and recognizes Tony Madrigal as the winner.

Appeal of this order, if any, must be filed with the CDP Secretary, with copies to the Chair of the CDP State Central Committee, within twelve days of the date of this decision. Thus, any appeal must be filed on or before April 28, 2024 with the Sacramento office of the California Democratic Party, and shall be an appeal to the next meeting of CDP Rules Committee upon conclusion of the response period.

Please note that per CDP Bylaws, Article XII, Section 2e, the filing of an appeal shall not stay any decision of the CRC. Parties may additionally respond in person or virtually, depending on how the meeting is being conducted, if so desired, provided there has been a timely filing of an appeal and notice of intent to testify is provided in writing to the Lead Chair of the Rules Committee by 5 PM on Wednesday, April 28, 2024, 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