

## MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: May 26, 2025

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

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### **INTRODUCTION:**

#### **EMERGENCY MEETING & USE OF AN EXPEDITED PROCESS**

In response to a challenge to the CDP Chicano Latino Caucus (CLC) election filed on May 23, 2025, the Compliance Review Commission (CRC) held an emergency meeting on May 25, 2025.

In advance of that meeting, on May 23, 2025, the CRC directed the officers and Election Committee (Committee) of the CLC to file a response by 2 p.m. on May 25, 2025, and to produce certain records responsive to the allegations in the challenge. The CRC, in that directive, noted that it would “decide at the hearing whether (1) the response is adequate and affords each interested party a fair opportunity to respond or (2) whether affording the time or a response set forth in Section 4.L of the Procedural Rules is required and a decision of the [c]hallenge must take place after the scheduled date of the Caucus election.”

On May 25, 2025, interested parties opposed to the challenge submitted testimony and extensive evidentiary materials in response to the challenge. Those responding were CLC Chair Carlos Alcala; CLC Corresponding Secretary Krisna Velasco; Committee Chair Maria Grijalva; and CLC Vice-Chair, Region 8 Rafael Trujillo.

On the date of the hearing, the CRC determined that the evidence submitted was sufficient to allow the CRC to make a reasoned decision and that the extensive arguments, testimony and evidentiary submissions evidenced that each party had a fair opportunity to respond. Accordingly, the CRC voted unanimously to admit all of the testimony and exhibits and proceed with a hearing on the merits.

In so ruling, the CRC noted that, as Chair Alcala correctly noted, its Procedural Rules provide for a minimum of five days for a response. However, the Procedural Rules are promulgated by the Rules Committee under Article V, Section 5(h)(6), which expressly states that the Procedural Rules are “subordinate” to the CDP Bylaws (CDP Bylaws). And Article XII, Section 2(d) of the CDP Bylaws affords the CRC broad authority over matters within its jurisdiction by stating that the CRC “shall have the power and authority to take such actions as are necessary to provide a fair and just remedy including, but not limited to, the holding of new elections.” The CRC recognizes that this authority extends to exercising its authority in exigent circumstances to shorten time-frames for responses, to hold

emergency meetings and otherwise to expedite the review process. The CRC further recognizes that this authority does not excuse the CRC from the requirement to provide interested parties with due process. And the CRC recognizes that this authority should be exercised sparingly.

The CRC has exercised its authority to proceed in this expedited manner in this case only after: (1) verifying through a review of the extensive documentary evidence and the testimony submitted by the responding parties that each party had a sufficient opportunity to review the challenge and respond and, thus, the requirements of due process were met; and (2) determining that exigent circumstances exist here due to the confluence of a number of unusual factors. These factors include: (a) the fact that the CLC has had persistent issues with compliance with CDP requirements and is the only Caucus currently provisionally certified; (b) the challenge here turns on a deprivation of the information necessary to allow the participants in the election (both voters and candidates) a full and fair opportunity to participate; (c) the imminence of the CLC Caucus election; and (d) the importance of the ability of the CLC to participate in Party affairs and the Party's electoral efforts given the results of the recent election – which showed a weakened showing of the Party among Chicano and Latino voters – and the historical importance and significance of the CLC to the Party recognized in Article XI, Section 7 of the CDP Bylaws.

## **THE CHALLENGE & RESPONSE**

On May 23, 2025, the CDP Chicano Latino Caucus member and candidate, Nilza Serrano filed a challenge relating to the actions and decisions of the Committee. The challenge alleges that the Committee had “grossly mismanaged” the pre-election process, violating both CLC Bylaws and CDP Bylaws. According to the challenge, the conduct of the Committee deprived candidates and voters of vital information required for informed participation in the CLC Caucus election in violation of CDP Bylaws Article XIII, Section 6 - Failure to timely publish procedures and CLC Bylaws Article VII, Section B – due to candidates being involved in election administration and lack of response to formal election inquiries.

The challengers alleged that the Committee failed to provide accurate and timely information to candidates and members. They also alleged unclear and incomplete contact information for the submission of nominations and a lack of response to requests for clarification to this and other inquiries. The challenge alleged that the Committee did provide a membership roster listing qualified voters, but that the roster lacked essential information like contact details and the region in which voters were resident. The challenger also questioned the Committee Chair's explanation of the process for granting special voting waivers (hardship and disability) and cited unresolved concerns about previous instances of "ballot stuffing" and other irregularities.

The challenge alleged the temporary disqualification of 14 candidates on May 20 without clear justification. Specifically, while 13 submitted waivers were approved, Nilza Serrano, a candidate for Caucus Chair, had her waiver initially denied, a decision characterized as biased and retaliatory. The challengers assert that the later approval of the waiver was not

evidence of effectiveness of the internal challenge process, but, rather, evidence of bias by Committee Chair Maria Grijalva. The challenger also alleged that the communications from Committee Chair Grijalva – including an instruction to sort the assuredly incomplete rosters themselves – were inappropriate, arbitrary and disrespectful.

The challengers requested the following remedies:

1. The appointment of an Independent Election Administrator.
2. Placement of all challengers on the ballot based on their original submissions.
3. Proof that all Membership Hardship Waivers were submitted and processed properly.
4. Proof that all Disability/Special Accommodation Waivers were properly submitted and approved.
5. Cancellation of Vote-by-Mail/Email ballots due to lack of transparency about the process and voter list.

### **Chicano Latino Caucuses Response submitted by Chair Carlos Alcala:**

The Chicano Latino Caucus (CLC) responded with a formal response by Chair Carlos Alcala and extensive submissions by the Committee and other officers.

**Due Process Violation:** Chair Alcala argued that the expedited hearing process violates due process and CRC procedural rules, particularly Rule 4(L), which mandates a minimum of five days' notice. The hearing was scheduled with less than 48 hours' notice over a holiday weekend, denying the Respondent adequate time to prepare.

**Standing:** Several challengers (including David Mariscal, Irene Huerta, and Kristie Hernandez) are running unopposed and are not aggrieved, thus lack standing under CRC Rule 3. Nathan Castillo and others were disqualified for valid reasons unrelated to the challenge.

**Failure to Exhaust Remedies:** Challengers did not first appeal within the CLC's internal process as required by the bylaws. No decision has yet been made by the Election Committee; so, the CRC lacks jurisdiction.

**Untimely Filing:** Some allegations concern events that occurred well beyond the 7-day filing window mandated by CRC Rule 4(A), including announcements on March 31 and April 7.

### **The Allegations are Unfounded:**

- **Election Notices:** The March 31 notice was timely and met all required criteria. Nilza Serrano may not have received it due to late registration.
- **Membership List:** An accurate and comprehensive list was provided on May 4 and updated on May 20. The CLC is not allowed to distinguish between dues-paying and hardship members.
- **Candidate Involvement:** No evidence shows that candidates are improperly conducting the election; supporting activities by individuals like Mr. Alcala do not constitute violations.

- **Sorting by Region:** The CLC is not obligated to sort voters by region for candidates; such information is available but must be determined by the candidates themselves.
- 2. **Requested Remedy Unjustified:** The challenger's request for the CRC to take over the election is unsupported, as the CLC followed all proper procedures while the challenger failed to follow internal rules.

#### **DOCUMENTS INITIALLY RECEIVED AND REVIEWED:**

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

1. Challenge submitted by Nilza Serrano, CDP Chicano Latino Caucus member and candidate on May 23, 2025, and 6 supporting documents. On behalf of: Gracie Torres, Irene Huerta, Kristie Hernandez, Robert Sandovol, Emiliano Rojas, Sandra Vargas, Nathan Castillo, Mickey Chavez, Gloria Alvarado, Ana Gonzalez, Eileen Navarro, Sal Abrica, and David Mariscal
  - a. Exhibit A – Second Email Announcement of Chicano Latino Caucus Election on April 7, 2025
  - b. Exhibit B – May 5, 2025 Election Inquiry Email
  - c. Exhibit C – May 6 , 2025 - Gracie Torres Membership List - Candidate's Email Email
  - d. Exhibit D – May 22, 2025 - CDC CLC 2025 Elections Certification Report
  - e. Exhibit E – May 22, 2025 - Nilza Serrano Waiver Review Email
  - f. Exhibit F – May 21, 2025 - TIMELY: Chicano Latino Caucus Election Dispute Email
2. Testimony submitted by CLC Chair, Carlos Alcala; Maria Grijalva, Election Committee Chair; Krisna Velasco, CLC Corresponding Secretary; Rafael Trujillo, CLC Vice Chair, Region 8 in opposition of the challenge.
3. Testimony submitted by CLC member and candidate Emiliano Rojas in support of the challenge.

#### **TIMELINESS:**

According to CDP Bylaws, Article XII, Section 2:

“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 December 2024, unless otherwise indicated.)

Given the ongoing nature of the violations at issue and the fact that the election has yet to be held, the CRC found no basis for concluding that the submission was late. As to Chair Alcala's allegation that the challenge was premature because no challenge can be filed until after the May 31, 2025, election meeting date, the CRC rejects the notion that the CLC Caucus Bylaws preclude a finding of a violation before the meeting date. Rather, the CLC Caucus Bylaws are better read as establishing the date of the election as the date by which all challenges must be resolved unless the Committee makes a finding that an extension of up to 10 days is required.

### **STANDING, JURISDICTION & EXHAUSTION OF REMEDIES:**

Article XII, Section 2.a(1) of the CDP Bylaws 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. 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.”

According to Article XII, Section 3:

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

The CRC notes that in Article XIII (General Policies) Section 5 the CDP Bylaws provides for the publication fully “and in such a manner as to assure notice to all interested parties a full description of the legal and practical procedures for selection of Democratic Party Officers and representatives on all levels” and Section 7 for the publication “fully and in such a manner as to assure notice to all interested parties a full description of the legal and practical procedures for selection of Democratic Party Officers and representatives on all levels.”

These violations go to the informational and participation rights of all members of the Caucus. As a result, “all interested parties” have standing. As each of the challengers is a candidate or aspired to be a candidate, each is an interested party and has standing.

The record is replete with communications with the Committee and efforts by the challengers to obtain relief from the Committee. While more formal challenges could have been formulated and ideally would have been, the evidence here is sufficient to establish that the challengers made a reasonable attempt to exhaust internal remedies.

## **FINDINGS:**

The Caucus and its Committee had an obligation to afford candidates information about the procedures for qualification, the identification of voters, the regional races in which voters were eligible to vote, the voters who had been granted accommodations and, as a result, would not be present at the Caucus meeting in person to cast their ballots and about the ballots and balloting.

The challengers here have sufficiently demonstrated that the Committee made errors in notification of the procedures for qualification. However, the waiver process appears to have cured these errors and, as a result, while the existence of these errors have been considered as background facts, they do not form the basis for the CRC's decision here.

The Committee refused to provide information about in which regional race each of the voters was eligible to vote, and the voters who had been granted accommodations and, as a result, would not be present at the Caucus meeting in person to cast their ballots. The Committee also appears to have made significant errors in the construction of the sample ballot.

This evidence is insufficient to establish bias by the members of the Committee. Bias would require proof that candidates were somehow treated differentially. The evidence manifestly does not establish such differential treatment.

Article XIII (General Policies) Section 5 the CDP Bylaws provides for the publication fully "and in such a manner as to assure notice to all interested parties a full description of the legal and practical procedures for selection of Democratic Party Officers and representatives on all levels" and Section 7 for the publication "fully and in such a manner as to assure notice to all interested parties a full description of the legal and practical procedures for selection of Democratic Party Officers and representatives on all levels."

It appears that the Committee attempted to satisfy the minimum requirements of the Caucus Bylaws, but did not consider – nor did it make any effort to comply with – the requirements of Article XIII, Sections 5 & 7. It is unclear from the evidence if this was due to a deliberate disregard for these requirements or something less culpable, such as gross negligence. However, it is clear that the Committee's actions were in disregard of these minimum safeguards.

In such circumstances, the claims of bias are hereby dismissed as insufficiently supported by the evidence. While serious violations have been established, the CRC does not agree with the challengers that the evidence establishes bias as the motivation for the violations at issue. That said, the preponderance of the evidence does establish, however, that the Caucus has violated Article XIII, Sections 5 & 7 of the CDP Bylaws.

## **ORDER:**

The CRC makes the following Order:

In light of the violation found and the desire of the CDP to have Caucus officers elected and installed by the end of this Convention, the CRC hereby orders:

1. Pursuant to Section 5, Subsection D.4 of the CRC Procedures, the Co-Chairs of the CRC shall name a committee of three independent Democrats to conduct the CLC election. In the place of the CLC election Committee, the independent administrative committee shall conduct the election, make all election-related decisions, and otherwise have all powers and authority delegated under the Caucus bylaws to the CLC Election Committee.
2. As soon as practicable, but in no event later than the deadline set by the independent administrative committee, the CLC officers and Election Committee shall supply all requested documents and records – including, but not limited to, any membership records, documents concerning hardship waivers and their disposition, and accommodation requests and their disposition --- in its/their custody to the independent administrative committee, shall render such assistance as it/they is/are able to assure compliance with this order and otherwise is divested of any authority over the election. All such authority is delegated to the independent administrative committee.
3. Pursuant to Section 5, Subsection D.4 of the CRC Procedures, any member of the CRC shall be entitled to serve as an election observer and any such observer shall have access to such records and documents as are necessary to observe the CLC Caucus elections. Members of the CRC shall provide the independent administrative committee with technical guidance, upon request.
4. The Chair of This Committee (i.e. the CDP Chair) shall be given authority to use the CLC Membership Balance for any costs associated with compliance with this order.

Pursuant to paragraph 1 above, the following Democrats have been appointed to the independent administrative committee: Richard Rios, Margie Granado, Steven Auclair.

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 7, 2025 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 Chairs of the Rules Committee by 5 PM on Saturday, June 7, 2025, 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.

All exhibits, testimonies, and other documents in this matter shall be transferred to the Rules Committee for review and appropriate follow-up.

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  
Jane Wishon, Co-Chair, Credentials Committee  
Paul Seo, Vice-Chair, Credentials Committee  
Laurence Zakson, Vice-Chair, Rules Committee