M E M O R A N D U M

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: February 16, 2016

RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION RELATING TO THE CHALLENGE OF PRE-ENDORSEMENT CONFERENCE RESULTS FOR CD 44

INTRODUCTION:

On the weekend of January 30-31, 2016 regional pre-endorsement conferences were held throughout the state. On Saturday, January 30 at 9:00am, Region 14’s conference began. The conference was held at Culver City’s Veteran’s Building in Culver City with Regional Director Channing Hawkins as the Convener.

Among the two races to be voted on was Congressional District 44. At the time of the vote, the only two candidates that requested our endorsement (turned in form and filing fee) were Marcus Musante and Isadore Hall. A third candidate, Nanette Barragan, did not request our endorsement.

The final results for CD 44 were seventy votes for Isadore Hall, zero votes for Marcus Musante, and zero for No Endorsement. Mr. Hall received 100% of the vote, thus his name has been added to the consent calendar.

An initial written challenge was filed by Marcus Musante on February 10, 2016. A subsequent official challenge was filed on February 12, 2016.

DOCUMENTS RECEIVED AND REVIEWED

Documents received and reviewed by the CRC were the following:


TIMELINESS AND JURISDICTION:

According to CDP Bylaws, Article XII, Section 2a:

“The Compliance Review Commission shall have initial jurisdiction over all challenges and/or appeals arising under Article II (Membership); Article VI (Assembly Districts and Assembly District Election Meetings); Article VII (Executive Board), Article VIII (Endorsements, etc.), Article X (Charters), Article
XI (Special Group Caucuses) and Article XIII (General Policies). The Compliance Review Commission shall have jurisdiction to hear and decide any challenge that is initiated before the 42nd day prior to any meeting of This Committee or its Executive Board.”

(All By-Law references are to the California Democratic Party Bylaws, unless otherwise indicated.)

“All other challenges initiated after the 42nd day prior to any meeting of This Committee or its Executive Board may either be heard and decided by the Compliance Review Commission or referred to either the Standing Committee on Credentials or the Standing Committee on Rules in the discretion of the Compliance Review Commission.”

The initial complaint was filed on February 10, 2016, 11 days after the Pre-Endorsement Conference. Mr. Musante, in his original testimony, states that he attempted to contact CDP staff and finally talked to staff on February 8. Due to extenuating circumstances, the CRC finds this challenge timely.

As this is less than 42 days prior to the State Convention, the CRC has exercised its discretion to hear the matter.

The CRC has jurisdiction as this matter arises under Article V III (Endorsement of Candidates for Partisan Office) and Article XIII (General Policies).

Additionally, as a candidate who requested The Party’s endorsement, Mr. Musante signed the Candidate Registration Form, which states, “…I agree to abide by the CDP’s Bylaws and I will seek to resolve any and all problems in accordance with the CDP Bylaws.”

The CRC notes it did not seek testimony from anyone else involved in the challenge and based its decision solely on the challenge filed by Mr. Musante.

**STANDING:**

According to Article XII, Section 3:

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

Any candidate participating in the endorsement process has standing as an affected party.

**FINDINGS OF FACT:**

Mr. Musante’s challenge alleged the following item:

1. A Rule was not upheld: Candidate speaking times (3 minutes) were not equally applied.
At the Pre-Endorsement Conference, Mr. Musante alleges that both he and his opponent were instructed that they had three (3) minutes for a speech. Mr. Musante adhered to the three (3) minute rule, while his opponent Mr. Hall did not. According to the challenge, even though there was a timer present, Mr. Hall went past his allotted three (3) minutes and the Convener Channing Hawkins never said anything.

According to Mr. Musante’s challenge:
“...I understand your point that I should have made a big deal out of it then and there. And perhaps that will be your conclusion (though I do request it be a group decision). But I would like you to consider one thing, in addition to it was a rule and rules need to be enforced and upheld if they matter at all…”

The appropriate time to rectify this situation is at the time of the Pre-Endorsement Conference. If the Convener was notified of the timing issue at the time the alleged violation occurred, he would of had the opportunity to allow Mr. Musante equal time. Since this did not occur, Mr. Musante failed to exhaust all his remedies at the time of the Pre-Endorsement Conference.

**ORDER:**

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

1) The CRC finds Mr. Musante failed to exhaust all his remedies at the time of the conference and the final election results shall stand, and Isandore Hall’s name shall remain on the consent calendar.

2) The CRC would like to note that Mr. Musante has not yet exhausted all of his options as there is process to pull the pre-endorsement conference recommendation off the consent calendar 10 days prior to the State Convention.

3) The CRC would like to encourage all candidates to review Article VIII of The Party’s Bylaws at [http://www.cadem.org/our-party/body/BYLAWS.pdf](http://www.cadem.org/our-party/body/BYLAWS.pdf) for the rules regarding the endorsement process.

4) 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 three days of the date of this decision. (Article XI, section 7(a).) Thus, any appeal must be filed on or before February 19, 2016 with the Sacramento office of the California Democratic Party, and shall be an appeal to the CDP Rules Committee at their meeting in San Jose during the weekend of February 26-28, 2016.

Please note that per CDP Bylaws, Article XI, Section 7b, the filing of an appeal shall not stay any decision of the CRC. Parties may additionally respond in person, 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 February 23, 2016, at the Sacramento office of the California Democratic Party.
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 an appeal, if any, is heard by the Rules Committee.

Respectfully submitted by a 5-0 vote of the members of the CRC, with Member Larramendi abstaining due to potential conflict:

Kathy Bowler, Co-Chair, Rules Committee
Lois Hill, Co-Chair, Credentials Committee
Coby King, Co-Chair, Rules Committee
Lara Larramendi, Co-Lead Chair, Credentials Committee
Garry S. Shay, Lead Chair, Rules Committee
Michael Wagaman, Lead Chair, Credentials Committee