MEMORANDUM

TO: All Interested Parties
FROM: Compliance Review Commission (CRC)
DATE: December 27, 2018
RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO A CHALLENGE FILED RELATING TO THE SECOND LOCATION FOR ADEMS IN AD02

INTRODUCTION:

On December 5, 2018, Ms. Lesley Ester RN, a candidate for Assembly District Delegate in 2nd Assembly District, filed a challenge relating to the location of the ADEM meeting, which is located in Santa Rosa. As part of the decision in that challenge, “The CRC directs the convener identify at least one additional location in Assembly District 02 consistent with CDP Bylaws and the 2019 ADEM Procedures by Sunday, December 23 and to send the location information to the CDP Staff in order for it to be posted on the website Monday, December 24.”

On December 25, 2018, Ms. Ester submitted a challenge regarding the second location chosen by the Regional Director in Crescent City stating it does not meet the requirements set forth by the CRC nor does it comply with the intent of the CDP Bylaws. Ms. Ester requests the CRC to require additional sites within AD02.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

Documents received and reviewed by the CRC associated with the challenge included the following:
2. CRC Decision issued on December 19, 2018 regarding Ms. Ester’s original challenge.
3. Procedures for 2019 Assembly District Election Meetings (ADEMs)
4. CDP Bylaws.

TIMELINESS AND JURISDICTION:

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 2018, unless otherwise indicated.)

On December 25, 2018 the CDP’s website was updated to include a second location in Crescent City for the ADEMs in AD02. Ms. Ester’s challenge was filed on December 25 and thus is timely.

**STANDING:**

According to Article XII, Section 3:

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

Ms. Ester is a candidate for Assembly District Delegate in Assembly District 02 and thus has standing to bring this challenge.

**JURISDICTION**

Article XII, Section 2a states:

“The Compliance Review Commission shall have initial jurisdiction over all challenges and/or appeals arising under these Bylaws.”

The CRC has jurisdiction in this matter under CDP Bylaws, Article VI: Assembly Districts and Assembly District Election Meetings.

**FINDINGS:**

Regional Director Debra Broner has identified a site in Crescent City and adhered to the order in the CRC decision by submitting that information to CDP staff by the required deadline.

The CRC notes that disputes regarding the location of the ADEMs are inevitable and the CRC should not be the arbiter of such disputes. As stated in the previous decision, “The role of the CRC is not to substitute its judgment for that of the Convener, but to assess the consistency of the Convener's actions with the applicable rules and procedures.”

The CRC’s prior decision was narrow in scope. It found that “the Convener's determination to locate a site in the most populous portion of the Assembly District, located further south than either of the prior locations, only increased the good cause to request a variance. Thus, the CRC concludes when the convener made the determination to locate a site in Sonoma she should have requested a variance allowing for additional locations, and failing to do so contravenes the intent of the Bylaws.”
Additionally, the previous decision stated, “Choosing a location is up to the discretion of the convener because there are so many factors to weigh and locals' familiarity with the terrain and location of Democratic voters requires considerable deference.”

ORDER:

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

1. The CRC rejects the challenge filed by Ms. Ester regarding the second location for ADEMs in AD02.

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. (Article XII, section 6(a).) Thus, any appeal must be filed on or before January 8, 2019 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 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 January 20, 2019, 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,

Coby King, Co-Chair, Rules Committee
Lara Larramendi, Co-Lead Chair, Credentials Committee
Garry S. Shay, Lead Chair, Rules Committee
Keith Umemoto, Co-Chair, Credentials Committee
Michael Wagaman, Lead Chair, Credentials Committee
Laurence Zakson, Co-Chair, Rules Committee