MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: April 2, 2019

RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO A CHALLENGE FILED IN THE ASSEMBLY DISTRICT ELECTION MEETING (ADEM) IN ASSEMBLY DISTRICT 41

INTRODUCTION:

The Assembly District Election Meeting (ADEMs) in Assembly District (AD) 41 took place on January 27, 2019. A formal challenge was filed by Rick Jordan and Robert Nelson on February 26th and February 28th, respectively, on the CDP’s revised ADEM41 results on February 25, 2019. Both were candidates at the ADEM in AD 41. The final results as reported on January 27 to the CDP by the convener are indicated in the table below:

<table>
<thead>
<tr>
<th>Original Results as Submitted by Convener</th>
<th>Other than self-identified female</th>
<th>Votes Received</th>
<th>Self-identified female</th>
<th>Votes Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Jordan Vannini</td>
<td>437</td>
<td>Tina Fredericks</td>
<td>526</td>
<td></td>
</tr>
<tr>
<td>2 Rick Jordan</td>
<td>404</td>
<td>Mindy Pfeiffer</td>
<td>356</td>
<td></td>
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<tr>
<td>3 Joseph Salas</td>
<td>379</td>
<td>Aida Demejian</td>
<td>355</td>
<td></td>
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<tr>
<td>4 Robert M. Nelson</td>
<td>365</td>
<td>Una Lee Jost</td>
<td>318</td>
<td></td>
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<tr>
<td>5 Michael Boos</td>
<td>350</td>
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<td>7 Jason Schadewald</td>
<td>276 W</td>
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<td>308</td>
<td></td>
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<td>RU#1 Steve Gibson</td>
<td>276 L</td>
<td>Tracy Van Houten</td>
<td>289</td>
<td></td>
</tr>
<tr>
<td>RU#2 Shayok Chakraborty</td>
<td>276</td>
<td>Maro Kakoussian</td>
<td>275</td>
<td></td>
</tr>
</tbody>
</table>

The allegations and requests by the challengers included but are not limited to the following: issues with discrepancies of the original vote count at the ADEM vs. the CDP recount; no notice of the CDP recount prior to the recount; no explanation of vote discrepancies; and the restoration of DSCC status for all delegates based on the results announced at the January 27 ADEM. It was also alleged that CDP staff lacked the jurisdiction to conduct a recount of ballots cast at the AD41 ADEM.

1 The tie was broken by a coin-flip pursuant to the ADEM procedures.
**Documents Initially Received and Reviewed:**

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

2. Testimony submitted by Tina Fredericks, Todd Jones, Tracy Van Houten, and Jordan Vannini.
3. CDP memos on AD41 ADEM voting results.
4. 2019 ADEM Procedures
5. CDP Bylaws

**Timeliness:**

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.)

The ADEM in AD41 occurred on January 27, 2019. A recount was done by CDP staff, the results of the recount were emailed on February 25, 2019. The challenges were filed by Rick Jordan on February 26, 2019 and Robert Nelson on February 28, 2019. The submission was timely as it was within the 7-days of the incident (recount).

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 under Article II (Membership) and Article VI (Assembly District and Assembly District Election Meetings).

**Standing:**
According to Article XII, Section 3:

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

Both Mr. Jordan and Mr. Nelson were both candidates and voters at the ADEM in AD41. The CRC finds they have standing, as they would be adversely affected.

**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 under Article II (Membership) and Article VI (Assembly District and Assembly District Election Meetings).

**FINDINGS:**

The California Democratic Party (CDP) staff receives various requests for count verification through individuals that participate through Assembly District Election Meetings (ADEMs). In order to mitigate possible CRC challenges, staff will agree to requests for a specific candidate count, but not questions regarding eligibility of specific voters. Also, when CDP staff receive the materials from conveners, if there's an election that's close (just a few votes separating candidates) the CDP staff verifies the counts to ensure that the votes are correct and won't change. CDP staff have performed these in several instances (close counts) even if the counts were slightly different and none of the results changed.

In approximately 6 instances during this ADEM cycle, staff received requests from specific individuals and was able to verify the counts in order to avoid a formal challenge. However, if a formal challenge is filed with the CRC, staff will not proceed any further unless directed by the CRC.

Assembly District (AD) 41 presented a scenario similar to other ADEMs, where staff was asked by a candidate to verify a total for one of the candidates. In this case, when the staff conducted the verification, it noticed that the total was off by a significant amount. Upon further inspection, staff noticed that the highest ADEM winner had approximately 200 more votes than the next highest vote getter, which was unusual. Staff then verified all of the totals.

The CDP Staff found that the original vote, as announced onsite at the AD41 ADEM, was incorrect. AD41 candidate Todd Jones later concurred with this conclusion, with an additional finding of a vote discrepancy made by CDP staff of Jason Schadewald.
The initial recount of AD41 ADEM ballots determined the following:

- Of the 14 candidates previously presumed to be elected at the ADEM, 1 self-identified female lost her slot and 2 other than self-identified females also lost slots. There were also other candidates with very significant changes in total votes compared to others, but with no effective change to the list of those elected. These differences are as follows:
  - Aida Dimejian (orig. count 355 vs. staff count 168) – No longer top 12
  - Rick Jordan (orig. count 404 vs. staff count 258) – Now Runner-up #1
  - Jason Schadewald (orig. count 276 vs staff count 228) – 12th highest votes

On February 25, 2019, CDP staff emailed the verified totals to all AD41 candidates, the convener and the Regional Director.

On March 11, 2019 the tally sheets were reviewed by Mr. Jones, an ADEM AD41 candidate. Mr. Jones said that “staff’s initial findings of the large gap of votes were correct and that the Master Tally sheets onsite at the ADEM were totaled incorrectly.” The only vote count that was inconclusive was that of Jason Schadewald. CDP staff recounted his ballots and confirmed the staff count was written down incorrectly, which should have been 278 and not 228. Soon afterward, staff called the candidates and emailed an apology email to all AD41 candidates, the convener and the Regional Director. Later that night staff received a request from another AD41 candidate to verify the count for the 7th and 8th place self-identified female candidates. Staff found that those counts were also off by a few votes which changed the top 7 self-identified females. The ballots were then recounted six additional times to ensure the accuracy of the counts.

The March 11th review of all 770 Ballots and 51 Candidates resulted in the following:

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<td>Joanne Young Wendler</td>
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ORDER:

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

1) The CRC affirms the March 11 results as verified by CDP staff as listed in the table titled “Final Results.” The CRC notes that the Executive Board results were unaffected by the counting error and the original results as announced onsite are confirmed.

2) The CRC will grant 2019 May Convention Observer Passes (free of charge) to Mindy Pfeiffer, Aida Dimejian, Rick Jordan and Shayok Chakraborty, because they were erroneously identified as an AD41 ADEM Delegate at some point during this process. They will also be given a refund for Convention Registration fees and/or 2019 DSCC Delegate Dues.

3) The CRC will forward all testimony submitted to the CRC to the Rules Committee and the ADEM Sub-Committee as they consider revising the ADEM Procedures for 2021.

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 April 14, 2019 with the Sacramento office of the California Democratic Party, and shall be an appeal to the next meeting of CDP Credentials Committee upon conclusion of the response period.

Please note that per CDP Bylaws, Article XII, Section 6b, 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 Credentials Committee by 5 PM on April 26, 2019, at the Sacramento office of the California Democratic Party. The Credentials 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 Credentials Committee. CRC shall retain jurisdiction up until the time of an appeal, if any, is heard by the Credentials Committee.

Respectfully submitted by a 5-0 vote of the members of the CRC, with member Larramendi abstaining because she participated at the ADEM in AD41.

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