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 63

INTRODUCTION:

On January 13, 2019, Maria Estrada, a candidate for AD63 Assembly District Election Meeting (ADEMs) and Executive Board, filed a challenge to the AD63 ADEM which occurred on January 13, 2019. Ms. Estrada alleges her entire slate was put at a disadvantage due to her name being left off of the Executive Board ballot by the California Democratic Party (CDP). She claims the error was not properly explained to all voters and she had to make posters. Ms. Estrada states, “many of the voters did not vote for her as a delegate as to not vote for her twice, which put her at an even further disadvantage.” Ms. Estrada further claimed various errors and shortcomings in the conduct of the election, including that ineligible voters were allowed to participate in the process.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

1. Challenge by Ms. Estrada was submitted on January 13, 2019.
2. Testimony submitted by Jeffree Davis, Maria Estrada, Sara Holland, Josue Lopez, Myra Maravilla, Sashi Muralidharan, Diana Parmeter, and Bill Wong.
3. 2019 ADEM Procedures
4. CDP Bylaws
5. Late testimony submitted by Ms. Estrada on February 19, 2019.
6. March 11, 2019 email from Ms. Maria Estrada submitting names of alleged ineligible AD63 ADEM voters.
7. CDP staff memo verifying the eligibility of AD63 ADEM voters on the 72 pages of sign-in sheets, on March 20, 2019.

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.”
The challenge filed by Ms. Estrada was submitted on January 13, 2019. The ADEM in AD63 occurred on January 13, 2019. The submission was within 7-days of the alleged incident; thus, the CRC finds the challenge timely.

**STANDING:**

According to Article XII, Section 3:

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

Ms. Estrada was a candidate for both ADEM and Executive Board in AD63. The CRC finds she does have standing, as she 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:**

CDP Bylaws, Article XIII, Section 5 provides that the Party is responsible for publication of selection procedures:

“Section 5. FULL PUBLICATION OF SELECTION PROCEDURES
The Democratic Party shall publicize 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. ”

CDP Bylaws Article VI, 1, h provides the Rules Committee is to promulgate procedures governing the Assembly District Election Meeting:

“h. The Rules Committee of This Committee shall promulgate procedures governing the conduct of the Election Meeting, including the election of 14 delegates to This Committee as set forth in Article II, Section 5, and one representative to the Executive Board, as set forth in Article VII, Section 2(c), which Rules shall include, for candidates for delegate and for candidates for Representative to the Executive Board, a filing fee of $30 (which may be waived due to hardship and such waiver shall be available as an option online and on all written forms), a filing period 30 days prior to the biennial Assembly District Election Meetings and call for the posting of
eligible candidate names (to be updated no less than once per week starting with the opening of the filing period) on the Party’s website, along with statements by the candidates, with the proviso that such statements be no longer 2400 characters and shall not mention the name of any other candidate. Statements shall be published as submitted; no additions, corrections, or other edits shall be made once submitted.”

Ms. Estrada alleges her name was left off the Executive Board ballot and that put her at a disadvantage. She claims the error was not properly explained to all voters and she had to make posters.

CDP staff was contacted by the Convener minutes before the ADEM began and was notified of the mistake. The CDP staff offered to send an updated ballot but the Convener could not get the correct copies done in time. The Convener, in consultation for the CDP staff, decided to make the announcement and make sure that everyone was aware of the mistake.

Ms. Maravilla states that, “there is no way to prove Ms. Estrada received less votes due to her name being left off of the ballots.” She claims Ms. Estrada resorted to intimidation and bullying, which left a negative impression with many of the Democrats.

The CRC need not decide whether leaving Ms. Estrada off the ballot, standing alone, would have constituted grounds to overturn the Executive Board election because to have been elected to the Executive Board, Ms. Estrada would have had to have been one of the top seven self-identified female candidates for ADEM. As she was not elected in the ADEM contest, even if she has been the top vote receiver in the Executive Board contest she would not have been elected.

Ms. Estrada submitted late testimony which included findings from her partial audit of the sign-in sheets. Ms. Estrada identified 40 voters from the city of Maywood; she stated that 9 were registered No Party Preference, 2 were registered Republicans and 5 were not listed with the Los Angeles County Registrar’s office. While this testimony was late, the CRC notes the same information would have been eligible for consideration as part of an appeal. Thus, to facilitate a timely resolution, the CRC considered this testimony. The CRC strongly encourages all parties to submit testimony in a timely manner in the future.

The 2019 ADEM Procedures state,

F. The Convener should oversee the check-in process. With regard to this process:
1) The voter registration check should only be performed for those participants who are themselves unsure or are challenged as to their eligibility. It is not proper to check all participants, especially when such a process would cause long lines in the check-in process. If, in the Convener’s opinion, one person or a group of persons is unduly delaying the registration process by frequent challenges, the Convener may cut off further challenges by that person or group of persons. Before taking this action, the Convener is encouraged, but not required, to call the CDP office for consultation.

The procedures state that voter registration checks should only be performed for those that are unsure of their eligibility or if their eligibility is challenged. If someone was suspected of being outside of the district then they should have been challenged onsite at the ADEM.
### Onsite Results as Submitted by Convener

<table>
<thead>
<tr>
<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 Antonio Chapa</td>
<td>328</td>
<td>Mayra Maravilla</td>
<td>336</td>
</tr>
<tr>
<td>2 Ricardo Lara</td>
<td>328</td>
<td>Yesenia Cuarenta</td>
<td>322</td>
</tr>
<tr>
<td>3 Heber Marquez</td>
<td>317</td>
<td>Maria R. Davila</td>
<td>315</td>
</tr>
<tr>
<td>4 Juan Serrano</td>
<td>317</td>
<td>Kimberly Ortega</td>
<td>315</td>
</tr>
<tr>
<td>5 Josue Lopez</td>
<td>308</td>
<td>Elizabeth Alcantar</td>
<td>312</td>
</tr>
<tr>
<td>6 Ali Saleh</td>
<td>308</td>
<td>Alondra Olmos</td>
<td>310</td>
</tr>
<tr>
<td>7 Jose Luis Solache</td>
<td>298</td>
<td>Alejandra Zelaya</td>
<td>300</td>
</tr>
<tr>
<td>RU#1 Sashi Muralidhara</td>
<td>179</td>
<td>Leticia Vasquez Wilson</td>
<td>186</td>
</tr>
<tr>
<td>RU#2 Jeffree J. Davis/Greg Martinez</td>
<td>161</td>
<td>Elizabeth Castillo</td>
<td>185</td>
</tr>
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### Executive Board Representative

<table>
<thead>
<tr>
<th>Executive Board Representative</th>
<th>Votes Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Josue Lopez</td>
<td>304</td>
</tr>
<tr>
<td>2 Maria Estrada</td>
<td>170</td>
</tr>
<tr>
<td>3 Hattie Herring</td>
<td>18</td>
</tr>
<tr>
<td>4 Deborah Sims Leblanc</td>
<td>6</td>
</tr>
</tbody>
</table>

Based upon subsequent testimony requested from Ms. Estrada relating to the Maywood voters, the CDP staff confirmed the 16 names submitted, 12 were ineligible to be participants. The CRC finds the number of ballots challenged which were verified to be ineligible were fewer than the margin for either the ADEM or Executive Board contests. This would normally not constitute enough evidence to warrant a further review.

However, the CRC’s finding that Ms. Estrada was not harmed by having her name left off the Executive Board contest is predicated on her not having finished in the top seven among self-identified female candidates for delegate. Given, the admitted error and based on the results from CDP staff’s review of the challenged ballots, the CRC requested a full review of the sign-in sheets.

The precedent set under the AD43 decision issued on April 27, 2015, is to focus on those who were confirmed by staff as ineligible. The CDP staff review of the 528 participants found 105 participants as not registered as Democrats and 5 participants not registered in the district, for a total of 110 ineligible voters.

In 2017, the CRC in a decision regarding the ADEM in AD47, and which applies to this case found that:

“In order to overturn an ADEM result, challengers must meet the standard which demonstrates in a quantifiable way that the conduct and/or actions complained of made a difference in the outcome that would not have been present absent that conduct and/or action. In the testimony submitted, there were a myriad of general allegations, however there was no specific quantifiable allegation, which would have resulted a different outcome. In the testimony submitted, there was
none which proved that the actions of those involved were deliberately and purposefully biased, unfair or taken with ill intent. There was no evidence provided that an eligible person was not allowed to vote, was turned away from voting, or due to the circumstances left without voting.

The CRC finds the that the number of invalid ballots alone would not necessarily have invalidated the election of the 14 elected individuals or E-Board winner. The CRC finds the difference between Ms. Estrada and the seventh self-identified female candidate for ADEM was 165 votes and the ballots cast by the 110 ineligible voters could not have statistically changed the outcome. The CRC further notes that the margin between the seventh and eighth place self-identified female, the seventh and eighth place self-identified other than female, and first and second Executive Board candidates all had a margin greater than 110.

**ORDER AND COMMENTS:**

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

1) The CRC rejects the challenge, as the challengers failed to achieve the standard necessary to invalidate the ADEM results, delegate or Executive Board. The original voting results indicated in the findings are affirmed.
2) The CRC will forward all testimony submitted to the CRC to the Rules Committee as they consider revising the ADEM Procedures for 2021.

The CRC wishes to make the following comments regarding this matter:

1) CRC wishes to express its regret that Ms. Estrada was inadvertently left off the ballot, and apologizes for this error.
2) Leaving off of a candidate from the ballot, even when not impacting the result, is a deeply regrettable incident, and staff is advised to take all steps necessary to insure this type of error is not repeated.
3) The CRC finds the number of invalid ballots to be unacceptably high, and requests that the Rules Committee review this matter in order to reduce and eliminate this possibility in the future, to the fullest extent possible considering all of the factors involved. So, this challenge will be highlighted for the Rules Committee.

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 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