MEMORANDUM

TO: All Interested Parties
FROM: Compliance Review Commission (CRC)
DATE: March 9, 2018
RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC)
RELATING TO THE FORMAL OBJECTION OF CONGRESSIONAL DISTRICT 04

INTRODUCTION:

On Saturday, February 24, 2018 an endorsing caucus was held for Congressional District 04. At this endorsing caucus, out of 67 valid votes cast, candidate Morse received 44 votes, which is 65.6% and thus placed on the consent calendar, later ratified by the entire body. The details of the votes cast is below:

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morse</td>
<td>44</td>
</tr>
<tr>
<td>Bateson</td>
<td>13</td>
</tr>
<tr>
<td>Calderon</td>
<td>04</td>
</tr>
<tr>
<td>No Endorsement</td>
<td>06</td>
</tr>
<tr>
<td>Total</td>
<td>67</td>
</tr>
</tbody>
</table>

In the challenge filed by Ms. Roza Calderon, she alleges that she could not turn in the objection forms to remove a recommendation from the consent calendar in a timely manner due to various obstacles, which could have been mitigated by CDP staff. Additionally, Ms. Calderon alleges aggressive and unprofessional behavior by specific individuals and campaigns.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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


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.
The filing by Ms. Calderon was submitted on February 27, 2018 regarding an endorsing caucus and the process to object to an endorsing caucus decision on February 24, 2018 which was within 7-days and thus the challenge is considered timely.

Article XII, Section 2a states:

“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.”

The CRC has jurisdiction under Article VIII (Endorsements) and Article XIII (General Policies).

STANDING:

According to Article XII, Section 3:

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

Ms. Calderon is a candidate for office who requested (filed and paid fee) the endorsement of the California Democratic Party and thus has standing to bring this challenge as she was adversely affected.

FINDINGS OF FACT:

The process to objecting to an endorsing caucus decision is outlined in the CDP Bylaws below:

{
\textit{Article VIII, Section 3.d.(3)(a) states:} \\
If the endorsed candidate received less than two-thirds of the vote at the Endorsing Caucus, formal objection must be signed by at least 300 credentialed members of This Committee on a form prescribed by the Secretary issued after the decision of the Endorsing Caucus has been made and filed with the State Chair no later than 11:00 p.m. the evening before the period set aside for ratification votes.
}

The CRC directed the CDP staff to review the petitions submitted by the challenger under the normal process used in past years. The results are below:

Congressional District 04 – Endorsing Caucus Objection Petition Verification

Total Count: 322
Subtracting the proxies who didn’t sign, only printed their name on the proxy line: 318
Subtracting the duplicates, sometimes triplicates: 295
Sheets which didn’t include candidate’s name*: 278
Three additional signatures could still not be verified.
*In a previous CRC ruling relating to CD45, the CRC ruled any sheet which didn’t contain the name of the candidate who was endorsed at the caucus as invalid.

**FINDINGS AND ORDER:**

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

1) The CRC rejects the challenge, as the challengers failed to submit a sufficient number of signatures for the petitions to qualify under Article VIII, Section 3.d.(3)(a).
2) The CRC finds the allegations made by Ms. Calderon, if true, disappointing and hopes and expects people conduct themselves appropriately at all Democratic meetings.
3) The CRC will forward all testimony submitted to the CRC to the Rules Committee as it considers revising the endorsement procedures, as it typically does following each election cycle, to improve and clarify any issues that arise during the course of the endorsement process.

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 March 21, 2018 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 April 2, 2018, 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,

Kathy Bowler, Co-Chair, Rules Committee
Coby King, Co-Chair, Rules Committee
Lara Larramendi, Co-Lead Chair, Rules Committee
Garry S. Shay, Lead Chair, Rules Committee
Keith Umemoto, Co-Chair, Rules Committee
Michael Wagaman, Co-Lead Chair, Rules Committee