TO: All Interested Parties  
FROM: Compliance Review Commission (CRC)  
DATE: April 16, 2018  
RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO THE ENDORSEMENT PROCESS FOR CONGRESSIONAL DISTRICT 45

INTRODUCTION:

On February 24, 2018, during the 2018 California Democratic Party Convention, David Min won the necessary percentage of votes at the endorsing caucus for Congressional District 45 to earn a place on the Sunday endorsement consent calendar, pursuant to the By-laws of the California Democratic Party. That evening, opponents of Mr. Min gathered signatures for a petition to remove Mr. Min from the consent calendar. The petition was turned in and eventually became subject to an appeal, which was heard at 1 am on Sunday morning by the CDP’s Compliance Review Commission. The Commission eventually ruled that enough valid signatures had been turned in to remove Mr. Min’s endorsement from the consent calendar and that a separate vote would be conducted on that endorsement, again all pursuant to the CDP by-laws.

Thus, on February 25, 2018, during the Sunday general session, the endorsement of Mr. Min in Congressional District 45 was heard separately. Consistent with normal procedure, and agreed to by the Convention, three speakers were heard from each side, and upon a voice vote on the question, the Chair ascertained that a clear majority of votes were in favor of ratifying the endorsing caucus recommendation of Mr. Min.

Mr. Greg Diamond filed a challenge based on both the actions of the campaign staff for Mr. Min and the Chair of The Party.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

2. Testimony submitted by Fran Sdao, Jane Stoever, Claire Lucas, Page Hutchinson, and Deborah Cunningham-Skurnik.
3. Sunday General Session video recording

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 2017, unless otherwise indicated.)

The filing by Mr. Diamond was submitted on March 4, 2018 relating to actions taken at the State Convention’s Sunday General Session held on February 25, 2018 which was within 7-days and thus the challenge is considered timely. The CRC did not have to reach a decision as to whether Mr. Diamond’s challenge was timely as the actions that occurred on Saturday (as noted above) the CRC found enough valid signatures were turned in to require a separate vote on CD 45.

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.”

Mr. Diamond is a delegate to the State Party and thus has standing to bring this challenge as he was adversely affected by the actions that occurred on the floor during general session.

ALLEGATIONS:

The allegations made by Mr. Diamond include, but are not limited to:

• General interest in not seeing the party harmed by nominating someone who, he is given to understand from others testimony has engaged in and/or assisted in the
forcible assault and false imprisonment of persons trying to gather signatures to overturn an endorsement gained at the pre-endorsement conference of the race.

- Prior to the vote, the CDP Chair implied that he did not expect that a voice vote would likely be conclusive, which presumably meant that he expected that it would be challenged. Complainant believes that this lulled some people into a false sense of security that there would be a second vote, making them less likely to scream their hardest to tip the scales. Complainant also inferred that the Chair knew to be on the lookout for challenges, although the Chair determined that the one and only voice vote for endorsing Min prevailed.
- Some delegates complained that they heard non-voting observers yelling out their “votes” for Min, making the reliance on a voice vote all the less justifiable.
- Immediately thereafter, Complainant loudly called for a motion for a division of the house. Complainant is confident that the CDP heard him given that people from his county on who were seated on the other end of the room heard him.

**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 evidence is clear in the video and audio that the ayes were unambiguously in the majority of the voice vote.
2) The CRC notes there’s no substantiated claim that non-delegates voted or changed the outcome.
3) The CRC finds the challengers failed to exhaust their remedies after the Chair’s determination of the vote when there was ample opportunity to do so.

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 28, 2018 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 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 Credentials Committee by 5 PM on May 10, 2018, 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 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, Credentials Committee
Garry S. Shay, Lead Chair, Rules Committee
Keith Umemoto, Co-Chair, Credentials Committee
Michael Wagaman, Co-Lead Chair, Credentials Committee