MEMORANDUM

TO: All Interested Parties
FROM: Compliance Review Commission (CRC)
DATE: May 1, 2018
RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO THE ELECTION OF CDC OFFICERS

INTRODUCTION:

On Friday, February 23, 2018 the election of officers for the California Democratic Council (CDC) took place at the California Democratic Party’s State Convention. The final results elected: Hilary Crosby, Chair; Chris Robson, Executive Vice President; Salvador Cazarez, Secretary; James Ta’bor II, Treasurer; Isabel Garcia, Controller; Margie Hoyt, VP Bylaws & Rules; Hector Huezo, VP Communications; Margaret Okuzumi, VP Credentials; Ron Birnbaum, VP Finance; Chris D’Allessandro, VP Issues/Political Action; Andrea Beth Damsky, VP Membership; Carrie Scolville, VP Organizational Development; Chris Myers, VP Resolutions; Susan Carrasco, Trustee Central Region; and Kristal Edwards-Jones, Trustee Northern Region.

The challenge filed by Ms. Brenda Bell including Ms. Holly Blair and Mr. Yousuf Bhaghani alleges a blatant disregard for the bylaws and the loss of votes from clubs and other voters could be sufficient to change the election results.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

Documents received and reviewed by the CRC associated with the challenge included the following:
2. Testimony submitted by Martha Gamez, Steve Ruth, Michael Evans, Holly Andrade Blair, Hilary Crosby, Thom O’Shaughnessy, Justin Meyers, Cindy Ellsmore, Liz Lavertu, etc.
3. CDC 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.
The filing by Ms. Bell was submitted on March 2, 2018 relating to the CDC Officer Election held on February 23, 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 VII (Executive Board), and Article II (Membership), which grant the President and Officers respectively membership of the Executive Board and this Committee, as well as Article XI (Special Group Caucuses) 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.”

Brenda Bell was a candidate for CDC President and the acting Executive VP for CDC. Holly Blair was the VP for Credentials for CDC. Yousuf Bhaghani is a member of the Corona Norco Democratic Club, which wanted to affiliate but was disqualified from running for VP of Finance of CDC as a result of decisions made by the Ad Hoc Elections Committee. Each was adversely affected and thus has standing.

ALLEGATIONS:

The allegations by Ms. Bell include, but are not limited to:

- The Ad Hoc Elections Committee (AHEC) was not authorized by the Board of Directors.
- Convention Rules were never adopted by the Board of Directors or by the Body.
- The AHEC forced candidates to agree to waive objections to their authority.
- The AHEC failed to use the correct voter list nor notified the appropriate entities.
- Clubs that were already affiliated weren’t considered valid.
- The AHEC allowed early voting without authorization under the CDC Bylaws.
**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 finds that under its By-laws, while the CDC President may propose an Ad Hoc Committee, the Board of Directors must ratify that formation. Since there is no record that this ratification occurred, the very formation of the AHEC was questionable. This is especially true when, as here, the AHEC was given very broad powers to conduct the election.

2) The CRC finds that the wholesale purging of clubs based on a single email notice, sent from a unfamiliar gmail address instead of one from the CDC domain was improper and had the effect of disenfranchising at least a dozen and perhaps hundreds of voters.

3) Consistent with past practice, the CRC standard to overturn an election result is that the challenger must quantifiably demonstrate that the conduct and/or actions complained of could have produced a different outcome had the challenged conduct and/or actions not occurred. The CRC finds the voter purge reaches this standard in that more votes were purged than the difference in votes in the races.

4) Therefore, the CRC upholds the challenge and orders the CDC to hold new elections for officers as soon as practical in conformance with their Bylaws as much as possible.

5) Given the length of time that has passed since the last set of valid elections, the CRC finds that fairness requires that the CDC hold their elections as soon as possible, regardless of the CDC By-law that provides that elections be held only in odd years.

6) The CRC recognizes the AHEC did a great deal of work and worked very hard with very good intentions to conduct an election under difficult circumstances, but it did not have the authority to implement early voting and, as further explained below, to purge voters.

7) The CRC finds that requiring candidates for CDC office to waive in advance any objections they may have to the procedures under which the election is taking place is improper and not consistent with either the CDC or the CDP By-laws.

8) The CRC instructs the appropriate person within the CDC to combine both the old membership list and new membership list and to conduct additional outreach to ensure that the voter database is as up-to-date and inclusive as possible, in consultation with Organizational Development Lead Co-Chairs Royce Kelley and Chris Wagaman, who shall be empowered to make rulings on matters presented to them by affected parties. Purging is not prohibited in all instances, but it must be done in strict conformance with the CDC By-laws and must be done only after proper notice is given to those who may be purged.

9) The CRC recognizes the officers previous to the 2018 State Convention as the current officers and it is their responsibility to conduct the election.

10) The CRC recognizes the CDC Bylaws ratified in February 2014 as the official bylaws of the CDC until such time new bylaws are ratified by the full body.
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 May 13, 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 May 25, 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, Credentials Committee  
Garry S. Shay, Lead Chair, Rules Committee  
Keith Umemoto, Co-Chair, Credentials Committee  
Michael Wagaman, Co-Lead Chair, Credentials Committee