MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: October 6, 2019

RE: COMPLIANCE REVIEW COMMISSION (CRC) CLARIFICATION RELATING TO A PREVIOUS CALIFORNIA DEMOCRATIC COUNCIL (CDC) DECISION

INTRODUCTION:

On May 1, 2018, the Compliance Review Commission issued the following orders as it relates to a decision regarding the election of CDC Officers.

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.

In a decision distributed by the CRC on April 5, 2019, the order states,

1) The CRC denies the challenge as it does not have jurisdiction.
2) The CRC notes that California Democratic Party staff, the Organizational and Development Committee Co-Chairs and CDC officers are continuing to coordinate to resolve this issue with the potential for a new election.

**CLARIFICATION:**

TheCRC is aware that since its decision on May 2018, the CDC under the leadership of Hilary Crosby has been holding regular meetings and has adopted a revised set of Bylaws on May 31, 2019. Additionally, the CRC has been notified that the CDC will be holding officer elections during the CDP’s 2019 November Endorsing Convention. During this period, the CRC has not received any challenges to processes or procedures regarding the operation of the CDC. The only challenge received was from Hilary Crosby asking that their membership status on the Democratic State Central Committee (DSCC) be restored.

The CRC finds that in order to move forward in this matter this clarification was deemed necessary.

1. The CRC notes if the CDC holds an election in November that complies with proper notice (membership/voter eligibility and the election), voter eligibility, is consistent with both CDP and CDC Bylaws, and is fair and transparent and if no challenges are filed and upheld then the membership status of the CDC should be restored.

Respectfully submitted by a 6-0 vote of the members of the CRC,

Tim Allison, Co-Chair, Credentials Committee
Kathy Bowler, Co-Lead Chair, Rules Committee
Nicole Fernandez, Co-Chair, Rules Committee
Coby King, Co-Chair, Rules Committee, and Co-Chair of the CRC
Lara Larramendi, Co-Lead Chair, Credentials Committee, and Co-Chair of the CRC
Keith Umemoto, Co-Chair, Credentials Committee