INTRODUCTION:

The CRC received two challenges submitted by Brent Turner relating to CYD’s endorsement of Alex Padilla for Secretary of State.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

1. Challenge received from Brent Turner on November 22, 2017.
2. Challenge received from Brent Turner on December 2, 2017.

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 first challenge by Brent Turner submitted on November 22, 2017 regarding an endorsement vote occurring on November 12 was not within the seven (7) calendar day requirement for timeliness and the CRC was not provided with “good cause” to waive the requirement thus it is not considered timely.

The second challenge by Brent Turner submitted on December 2, 2017 regarding a response letter by the California Young Democrats Executive Board issued on November
26, 2017. The CRC finds that even though this is within the seven (7) day limit, the basis for the second challenge itself is the endorsement meeting which occurred on November 12 and thus it was not within the seven (7) calendar day requirement for timeliness.

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 question of jurisdiction did not have to be reached in the challenge because it was not deemed timely.

STANDING:

According to Article XII, Section 3:

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

The question of standing did not have to be reached in the challenge because it was not deemed timely.

FINDINGS OF FACT:
The California Young Democrats held a Statewide Leadership Meeting on November 12, 2017. At this meeting, Alex Padilla surpassed the 2/3rds vote requirement needed to be endorsed by CYD. In the first challenge filed by Brent Turner on November 22, 2017, he alleged a failure by CYD to communicate with properly with candidates, improper changing of the voting process, and other violations with how the actual vote occurred. In the second challenge filed on December 2, 2017, Mr. Turner is responding to a “response” letter from CYD, which CYD admits “As a result of this determination the Executive Board neither has the right nor the inclination to overturn this endorsement.” Additionally, the vast majority of the second challenge relates back to the meeting on November 12, 2017.

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 both challenges were relating to the meeting which occurred on November 12, 2017 and thus were not timely nor was the CRC given “good cause” to waive the requirement.
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 December 23, 2017 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 January 4, 2017, 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, Lead Chair, Credentials Committee