MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: February 13, 2017

RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO THE ASSEMBLY DISTRICT ELECTION MEETING (ADEM) IN ASSEMBLY DISTRICT (AD) 64

INTRODUCTION:

On the weekend of January 7-8, 2017 Assembly District Election Meetings (ADEMs) occurred in all 80 Assembly Districts. At each meeting 14 delegates (7 women / 7 men) were elected, representing the assembly district as a Democratic State Central Committee (DSCC) Member for the 2017-19 term. A formal challenge was filed by a number of individuals who were either candidates or voters at the ADEM in AD 64, which occurred on January 7, 2017. The final results (Top 7 women/men) as reported to the CDP by the convener for the women were: Barbara Calhoun, Satra Zurita, Vera DeWitt, Karen Avila, Irene Huerta, Ramona Pimentel, and Emma Sharif. For the men: Albert Robles, Marvin Stovall, Victor Ibarra, Jawane Hilton, John Jones, Charles Thomas, and Cedric Hicks. The EBoard Rep elected was Jawane Hilton.

The allegations by the challengers included but not limited to the following: Rights to electioneer as a candidate were violated, handing out slates at the ADEM, no access to the adjacent room to campaign, the convener failed to oversee election process, candidates were not allowed access to private briefing room, registration line went into the private briefing room, vote totals were not double counted, no verification of voter’s registration, not allowed to set up table near registration, no announcement of 10:00 time, facility inappropriate, denial of access to private briefing, unfair that some candidates addressed those in private meeting, breakfast participants told not to talk to others, hand stamping was not uniform, confusion over vote totals, vote count wrong, one ballot unsure if counted, one vote not counted, one other ballot put in executive board ballot box that should not have, no second count, no announcement of all election results, no oversight of electioneering, rudeness and disruption, racially charged language, voters bussed to event, disorganized, limited number of Pens, no public viewing of count, and intervention of Sheriff’s office.

DOCUMENTS RECEIVED AND REVIEWED

Documents received and reviewed by the CRC were the following:


3. Letters in support of the challenge were received from Alexis Edelstein, Diana Parmeter, Janice Schaefer, Julian Burger, Lucio Reveles, Maria Estrada, Mansoor Sabbagh and Melissa (last name not given).

TIMELINESS AND JURISDICTION:

According to CDP Bylaws, Article XII, Section 2a:

“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 XII (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.”

(All By-Law references are to the California Democratic Party Bylaws, unless otherwise indicated.)

“All other challenges initiated after the 42nd day prior to any meeting of This Committee or its Executive Board may either be heard and decided by the Compliance Review Commission or referred to either the Standing Committee on Credentials or the Standing Committee on Rules in the discretion of the Compliance Review Commission.”

A majority of the complaints were filed by January 14; the CRC finds this challenge timely.

The CRC has jurisdiction as this matter arises under Article II (Membership), Article IV (Assembly Districts and Assembly District Election Meetings), Article VI (Executive Board), 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.”
As the challengers were either candidates and/or participants in the AD 64 ADEM, they are impacted by the proper conduct of the election and its resulting successful candidates, and thus have standing.

**FINDINGS OF FACT:**

Based on the testimony provided, there were issues with overwhelming number of participants at this ADEM, the configuration of the rooms at the facility and electioneering by the candidates. Similar issues occurred at a number of the other ADEMs that occurred around the state. For a variety of reasons, the ADEMs have in recent cycles become more politicized and the crowds have grown so large that they have become an issue for an event dependent on volunteers.

In order to overturn an ADEM result, challengers must meet the standard which demonstrates in a quantifiable way that the conduct and/or actions complained of made a difference in the outcome that would not have been present absent that conduct and/or action.

In the testimony submitted, there were a myriad of general allegations and there were a few specific quantifiable allegations. These specific quantifiable allegations would not have changed the outcome since the margin between the 7th and 8th place candidates were ten (10) votes on the male side and fourteen (14) votes on the female side and such would not have resulted in a different outcome. In the testimony submitted, there was none which proved that the actions of those involved were deliberately and purposefully biased or taken with ill intent.

The CRC does note the allegations are troubling especially since it is incumbent on the convener to ensure equal access to voters. In this specific ADEM, the convener should have either moved the registration line outside of the private meeting space or once the private meeting concluded consider that private space to be public to ensure that all candidates would have access to the voters.

Accordingly, the CRC’s standards, as noted above, were not met in that there was no testimonial or documentary evidence that demonstrated in a quantifiable way that the conduct and/or actions complained of made a difference in the outcome that would not have been present absent that conduct and/or action.

The CDP Staff did perform a recount and verified the results as was reported to the CDP by the convener. The results did not change.
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 achieve the standard one would need to invalidate an ADEM result. The original results stand.
2) The CRC finds that the convener should of ensured fair and equal access to the voters in the registration line.
3) The CRC will forward all testimony submitted to the CRC to the Rules Committee as they consider revising the ADEM Procedures for 2019.
4) The CRC finds disappointing some of the behavior of those involved at the ADEM and hopes and expects people conduct themselves appropriately at all Democratic meetings.

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 February 25, 2017 with the Sacramento office of the California Democratic Party, and shall be an appeal to the CDP Rules Committee at their meeting in Sacramento during the weekend of May 19-21, 2017.

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 March 9, 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 an appeal, if any, is heard by the Rules Committee.

Respectfully submitted by a 5-0 vote of the members of the CRC with Member Laramendi concurring in the outcome, but not participating in the decision.

Kathy Bowler, Co-Chair, Rules Committee
Lois Hill, Co-Chair, Credentials Committee
Coby King, Co-Chair, Rules Committee
Lara Larramendi, Co-Lead Chair, Credentials Committee
Garry S. Shay, Lead Chair, Rules Committee
Michael Wagaman, Lead Chair, Credentials Committee