MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: February 16, 2017

RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO THE ENDORESEMENT PROCESS IN CONGRESSIONAL DISTRICT (CD) 34

INTRODUCTION:

On Sunday, February 5, 2017 a Special Election Endorsing Caucus was held in CD34. The 2015-2017 delegates as of 5pm on the day the Governor issued the Special Election Proclamation were eligible to vote. The final vote count was 56 votes for Mr. Gomez, 1 vote for Mr. Ahn and 1 for No Endorsement. Mr. Gomez, having received over 60% of the votes cast, was declared the California Democratic Party’s (CDP) endorsed candidate.

The allegations by the challengers included but not limited to the following: Did not receive eligible voter list in a timely manner, questions when ballots received and when eligible voters were notified of meeting, lack of consistent information, meeting conducted hurriedly, unrealistic timeline, and process not fair.

DOCUMENTS RECEIVED AND REVIEWED

Documents received and reviewed by the CRC were the following:


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.”

According to CDP Bylaws, Article VIII, Section 3.e. (b):

“Such Special Election Endorsing Caucus shall otherwise proceed in accordance with the relevant procedures provided for in subsection (c) above and its decision shall become the endorsement of This Committee unless, within two (2) days a majority of the statewide officers of This Committee or 20 percent of the members of the Special Election Endorsing Caucus object in writing to the State Chair.”

The Challenge was filed on February 11, 2017, six (6) days after the special election endorsing caucus. There is a process to object to a special election endorsing caucus decision (noted above) and that process was not utilized by the challengers. The challengers did not explain why they did not utilize appropriate appeal process.

The Special Election Appeals Committee has initial jurisdiction as outlined in Article VIII, Section 3.e. (b).

**STANDING:**

According to Article XII, Section 3:

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

As the challengers were either candidates and/or participants in the special election endorsing caucus, they are impacted by the proper conduct of the endorsement process and its end results, and thus have standing.

**FINDINGS OF FACT:**

In the era of the top two primary, the California Democratic Party is allowed to submit their endorsement recommendation to be included in the sample ballot. This endorsement must be submitted on the same day the candidate filing ends which in this specific case was February 9.

**Key Dates**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 24, 2017</td>
<td>Vacancy</td>
</tr>
<tr>
<td>January 25, 2017</td>
<td>Governor’s Proclamation Issued</td>
</tr>
<tr>
<td>January 25, 2017</td>
<td>Deadline 5pm: DSCC Members registered in CD 34 Eligible to Vote</td>
</tr>
<tr>
<td>January 27, 2017</td>
<td>All eligible voters and candidates (known) noticed of special election endorsing caucus.</td>
</tr>
</tbody>
</table>
NOTIFYING ELIGIBLE VOTERS

The CDP staff notified all eligible voters via email on Friday, January 27, 2017. The CDP followed up those emails by sending notice via regular mail on January 27, 2017. On Monday, January 30, the CDP Staff began to notify voters by phone calls.

NOTIFYING CANDIDATES

The same as a regularly scheduled election, the special election endorsing process occurs concurrently with candidate filing which means the CDP staff notifies candidates as soon as we become of aware of their candidacy. The CDP staff notified candidates they had email addresses for starting on Friday, January 27, 2017 and followed up with additional emails, phone calls, and Facebook messages the week of January 30. Additionally, the staff uses a myriad of sources to try and obtain contact information including but not limited to the following: Los Angeles County Registrar’s Office, California Secretary of State’s Office, FEC/FPPC information, aroundthecapitol.com, Facebook pages, and various Google searches. The candidates must also be proactive in contact the State Party. The nomination of Xavier Becerra to Attorney General by Governor Jerry Brown was announced on December 1, 2016, which allowed potential candidates the opportunity to contact the state party for endorsement information as well.

ELIGIBLE VOTER LIST

The eligible voter list is distributed to each candidate when they request our endorsement (submit registration form and $350 filing fee). One of the contentions from the challengers is the eligible voter list was not sent in a timely manner. Below is a list of emails including times when lists were sent. Mr. Ahn was the first to send back the form and registration fee on February 27, 2017 the same day the notice went out and received the list of eligible voters that same day.

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Form and Fee Received</th>
<th>List Sent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ahn</td>
<td>1/27 2:12pm</td>
<td>1/27 3:34pm</td>
</tr>
<tr>
<td>Aramayo</td>
<td>2/2 7:40pm</td>
<td>2/3 10:03am</td>
</tr>
<tr>
<td>Carmona</td>
<td>2/3 4:52pm</td>
<td>2/3 4:56pm</td>
</tr>
<tr>
<td>Carrillo</td>
<td>2/1 9:21pm</td>
<td>2/2 9:54am</td>
</tr>
<tr>
<td>de la Fuente</td>
<td>2/1 1:59pm</td>
<td>2/1 2:17pm</td>
</tr>
<tr>
<td>Gomez</td>
<td>2/3 10:30am</td>
<td>2/3 10:40am</td>
</tr>
<tr>
<td>Hernandez</td>
<td>2/2 1:17pm</td>
<td>2/2 2:16pm</td>
</tr>
<tr>
<td>Mac</td>
<td>2/3 4:45pm</td>
<td>2/3 4:48pm</td>
</tr>
<tr>
<td>Meza</td>
<td>2/3 3:45pm</td>
<td>2/3 3:52pm</td>
</tr>
</tbody>
</table>

In all cases (as shown above), the CDP staff sent out the eligible voter list within 24 hours.
VOTING-BY-MAIL

According to CDP Bylaws, Article VIII, Section 3.e.(b):

“No proxy voting shall be allowed - each eligible member shall be sent a vote-by-mail ballot, which shall be read off as though it were a roll call vote.”

Voting at a special election endorsing caucus may be done in person or by mail. 48 ballots were signed and dated from January 27-January 31 with 29 of those in the first two days. 8 were signed and dated from February 1-February 4, 1 ballot was submitted at the meeting and 1 ballot was not dated. Although the ballots were filled out on those dates, we do not have information of when they were submitted to the Regional Director. Regardless, the ballots were all voted after the notice was sent and it is appropriate for voter to utilize the vote-by-mail ballot. Furthermore, Regional Director Karen Wingard never received a vote-by-mail ballot (neither by email, postal mail, or hand delivery) from Sara Hernandez.

FILING FEE - $350 IS NON-REFUNDABLE

In both the Candidate Registration Form and the Payment Form, the candidate fee is described as “non-refundable.”

Language on Candidate registration form: (screenshot below)

```
By signing this form, I acknowledge that I am a registered Democrat seeking the endorsement of the California Democratic Party (CDP), and I agree to abide by the CDP’s by-laws and I will seek to resolve any and all problems in accordance with the CDP Bylaw.

Signature: __________________________ Date: __________
```

Please mail the completed form, along with $350.00 non-refundable filing fee (payable to CDP), biography and photo to:

Language on Candidate registration payment form: (screenshot below)

```
By signing this form, I am authorizing the California Democratic Party to charge a non-refundable filing fee of $350 for Congress.

Signature: __________________________ Date: __________
```
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 endorsing caucus result. Mr. Gomez is the endorsed candidate.

2) The CRC finds the challengers did not exhaust all their options and did not provide sufficient evidence as to why they did not submit their appeal to the special election appeals committee as provided for in the CDP Bylaws.

3) The CRC finds the challengers, by signing the candidate registration form, were duly informed that the registration fee was non-refundable.

4) The CRC finds discouraging the tone and inflammatory rhetoric used to describe the process, which included “insider deals,” “rigged,” and “dirty tricks.”

5) The CRC finds the lack of knowledge regarding the process and the rules governing a special election endorsement is not an excuse to invalidate an endorsing caucus result.

6) The CRC will forward all testimony submitted to the CRC to the Rules Committee as they consider revising the endorsement procedures

7) The CRC finds the CDP Staff and Regional Director performed their duty in processing this endorsement above board with a high degree of integrity.

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 28, 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 12, 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 6-0 vote of the members of the CRC.

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