INTRODUCTION:

On February 17, 2019, Hilary Crosby submitted a request to the CRC to rescind its May 1, 2018 decision to invalidate the February 2018 California Democratic Council (CDC) Officer Elections and recognize her authority as President to appoint delegates to the Democratic State Central Committee (DSCC).

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

2. CDP Bylaws

JURISDICTION

Article XII, Section 2a states:

“The Compliance Review Commission shall have initial jurisdiction over all challenges and/or appeals arising under these Bylaws.”

At least in the absence of a final order continuing jurisdiction beyond such a termination point, once the DSCC, acting through a Convention or an Executive Board meeting, receives and files a report from the Standing Committee on Credentials or the Standing Committee on Rules Committee, as appropriate, both the jurisdiction of the Standing Committee and the CRC are terminated. As the Rules Committee report has been received, filed and adopted by the Executive Board on July 15, 2018, the CRC finds that it does not have jurisdiction over this challenge.

TIMELINESS:

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 2018, unless otherwise indicated.)

Timeliness did not have to be determined as the CRC does not have jurisdiction over the challenge.

**STANDING:**

According to Article XII, Section 3:

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

Standing did not have to be determined as the CRC does not have jurisdiction over the challenge.

**ORDER:**

Based upon the above facts and Bylaws of the CDP, the CRC makes the following Orders:

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.

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 April 17, 2019 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 6b, 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 April 29, 2019 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 5-0 vote of the members of the CRC, with member Wagaman abstaining.

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
Laurence Zakson, Co-Chair, Rules Committee