MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: January 11, 2016 (amended on January 25 to correct name of challenger)

RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION RELATING TO THE NOVEMBER 2015 ELECTION OF DISABILITIES CAUCUS OFFICERS

INTRODUCTION:

Based upon the June 2015 decision of the Compliance Review Commission (CRC) upheld with modifications by the Rules Committee and confirmed by the full Executive Board on August 16, 2015 an election was conducted for officer positions within the Disabilities Caucus.

The offices voted upon were Chair, Vice Chair, Treasurer, Corresponding Secretary, Recording Secretary and four (4) At-Large positions. With the exception of Vice Chair, all other races were contested. The voting for this election concluded on Friday, November 6. The final election results were as follows: Hene Kelly, Chair; Kenn Turner, Vice-Chair; Yolanda Toure, Recording Secretary; Alyson Abramowitz, Corresponding Secretary; Miriam Plotkin, Treasurer; and Connie Barker, Margarita Carrillo, Poppy DeMarco Dennis, and Gabriel Quinto, At-Large Members. The closet margin was between the fourth At-Large Candidate who received 167 more votes than the fifth At-Large Candidate.

Four challenges were filed prior to the conclusion of the election; two from former Chair Ruthee Goldkorn, one each from candidate Nina Ramos Hiers and member Deborah Cunningham-Skurnik.

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 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.”

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

The initial complaint was filed on September 30, 2015 and all subsequent complaints were filed prior to the conclusion of the Disabilities Caucus Election which concluded on November 6. The next meeting of the State Central Committee or its Executive Board is no earlier than February 26,
2016. As the challenge was filed with the Secretary of the CDP well in excess of 42 days prior to February 26, 2016 the complaint is deemed timely.

The CRC has jurisdiction as this matter arises under Article XI (Special Group Caucuses) 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.”

Any member of the caucus, or candidate for office in the caucus, would have standing to challenge the election. The CRC deems there was proper standing in the case of all four challenges.

**FINDINGS OF FACT:**

There has been a long history of challenges with the internal elections of the Disabilities Caucus. According to testimony provided, the specific issues in this challenge were candidate eligibility, balloting procedures, the conduct of the election, and general fairness, which concluded on November 6, 2015.

**Challenge filed (9/30/15) by Radene Nina Ramos Hiers et al.**

- **Validity of Inclusion of Bylaws on Ballot:** The CRC, on a 5-0 vote, rejected the challenge that the inclusion of the Bylaws adversely affected the election.
- **Eligibility of Candidate Kenn Turner:** The CRC, on a 5-0 vote, rejected the challenge based on the fact that candidate Kenn Turner was eligible to be a candidate for Vice Chair as he was a current member of the Democratic State Central Committee (DSCC).
- **Validity of Use of Photocopied Ballots:** The CRC, on a 5-0 vote, rejected the challenge on the basis that the voting instructions included the following language,

  “A ballot that has been photocopied or printed from an image or PDF file may be voted, but a ballot that is the same as the enclosed form *must be used*.”

Additionally, there is nothing in the Disabilities Caucus Bylaws that prevents the use of a photocopied ballot.

**Challenge filed (10/1/15, 11/1/15) by Ruthee Goldkorn:**

- **Eligibility of Candidate Kenn Turner:** Decided in previous challenge above.
- **Disparate Treatment of Disabilities Caucus:** The CRC, on a 5-0 vote, rejected this challenge based on the fact that the rules used for this election were discussed, debated and approved by the CRC, the Rules Committee, and the full Executive Board.
- **Timeline is Arbitrary and Capricious:** The CRC, on a 5-0 vote, rejected this challenge and found nothing improper with how Credentials Chair Michael Wagaman conducted the process.
Challenge filed (10/30/15) by Deborah Cunningham-Skurnick
- Eligibility of Candidate Kenn Turner: Decided in previous challenge above.
- Validity of Use of Photocopied Ballots: Decided in previous challenge above.

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

1) The CRC finds the election was conducted fairly, the final election results shall stand, and the CDP shall recognize them as valid.

2) The CRC would like to thank Mr. Wagaman, Mr. James, the staff at the CDP and caucus members who helped assist in the conduction of this election; your efforts are greatly appreciated.

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 XI, section 7(a).) Thus, any appeal must be filed on or before January 23, 2016 with the Sacramento office of the California Democratic Party, and shall be an appeal to the CDP Rules Committee at their meeting in San Jose during the weekend of February 26-28, 2016.

Please note that per CDP Bylaws, Article XI, 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 February 4, 2016, 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.

Respectfully submitted by a 5-0 vote of the members of CRC with member Larramendi concurring in the outcome, but not participating in the decision:

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