MEMORANDUM

TO: All Interested Parties
FROM: Compliance Review Commission (CRC)
DATE: June 30, 2017
RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC)
    RELATING TO THE ELECTION OF REGIONAL DIRECTOR FOR REGION 11

INTRODUCTION:

On the weekend of May 19-21, 2017 at the California Democratic Party’s State Convention in Sacramento the election of Regional Directors were held for those districts with two or more candidates.

In the race for Region 11 Director, two (2) candidates filed to run: Hans Johnson and Mark Ramos. At the election, Mr. Ramos received three more votes than Mr. Johnson and was declared the winner.

On May 27, Mr. Johnson filed his original challenge while also requesting more time to review the materials since at the time they were unavailable. After the completing his review, he filed an “evidence letter” on June 7, 2017 and he filed late testimony regarding an ineligible voter on June 19, 2017.

Mr. Johnson’s challenge falls into the following four (4) categories:

1. voter ineligibility,
2. mismatched signatures,
3. proxy eligibility as it relates to county rosters, and, in a late filing,
4. the voter registration of a proxy.

DOCUMENTS RECEIVED AND REVIEWED

Documents received and reviewed by the CRC were the following:

1. Original challenge by Mr. Johnson on May 27, 2017.
2. Evidence letter by Mr. Johnson on June 7, 2017.
3. Ineligible voter testimony by Mr. Johnson on June 19, 2017 (LATE).
5. Response to ineligible voter testimony by Mr. Ramos on June 20, 2017.
6. Received testimony from: Marco Flores, Veronica Perez, Celina Santiago, Bill Rumbly, Sandra Diaz, Alejandra Valles, Luis Fuentes, etc.
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 challenge is deemed timely as it was filed on May 27, 2017, within seven (7) of the election.

“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.”

The bylaws provide that a Regional Director is an automatic member of its Executive Board and the CRC has jurisdiction arising Article VII (Executive Board). Further, the CRC also has jurisdiction over Article XIII, Section 9(a)(2) of which prohibits secret ballots and creates a right to know how any official Democratic Party body cast their ballot, including an implicit right to know that vote was cast in a valid manner. In addition, the CRC by practice has historically had jurisdiction over, and resolved, matters related to the conduct of elections. Therefore the CRC finds it has jurisdiction.

STANDING:

According to Article XII, Section 3:

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

Mr. Johnson is a member of This Committee and thus has standing as an adversely affected party.
**FINDINGS OF FACT:**

The final vote totals were:

**Vote Totals (169 total votes)**

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mark Ramos</td>
<td>86</td>
</tr>
<tr>
<td>Hans Johnson</td>
<td>83</td>
</tr>
</tbody>
</table>

Region 11 had no spoiled ballots and no provisional ballots.

In reviewing the challenge, the CDP staff set out to ascertain the validity of the allegations Mr. Johnson was asserting. The staff produced a three-page report outlined below.

The CDP staff confirmed that Ms. Ana Mascarenas was registered in Sacramento County and thus should not have been an eligible voter for Region 11.

Mr. Johnson claimed that five (5) separate voters had signatures that did not match; CDP staff reviewed those signatures and using CRC’s legal counsel’s signature verification principles, confirmed that the signatures were matching to enough of a degree to give confidence in their validity. Additionally, the CRC received direct testimony from the voters involved and indirect testimony (Mark Ramos’ response) that the five voters in question did in fact personally participate in the election.

Finally, Mr. Johnson challenged 2 proxies from the Los Angeles Democratic County Central Committee (LACDP) as ineligible based on the fact that they were not on the roster by February 7 and they were added improperly to the roster by the LACDP. The February 7 deadline is the appointment deadline for membership to this Committee and does not apply to proxies. There is no deadline specified by the CDP Bylaws with regards to a proxy. According to the latest roster given by the LACDP to the CDP staff and used by the Credentials Committee to verify proxies, the two individuals above were confirmed as members. This is consistent with the procedure regarding county committee proxies followed by CDP staff for many years. No evidence was presented that would allow us to determine the validity of the allegations made by Mr. Johnson that the two individuals were added improperly to the LADCC roster.

Taking away the vote cast by Ms. Mascarenas still leaves Mr. Ramos with a two vote margin (85-83).

The CDP Staff report also noted that three checks for convention registration were returned for non-sufficient funds. These three individuals, who voted for Mr. Johnson, had their registration paid for by Hans Johnson’s organization Progressive Victory. The CRC does not reach the question of whether or not such bounced checks affect the delegates’ right to vote, as those votes would not have changed the result of this election.
Additionally, Mr. Johnson submitted testimony after the deadline (late) with regards to the eligibility of proxy Luis Fuentes. The CRC also does not reach this issue, as his vote would not have changed the result of this election.

**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 challenger failed to achieve the standard one would need to invalidate the results.
2) The CRC finds there was no deliberate intent to harm Mr. Johnson’s candidacy by the CDP Staff.
3) The CRC finds there are always ways to improve the election process and will submit this decision including all testimony submitted to the Rules Committee for review.

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 6(a).) Thus, any appeal must be filed on or before July 12, 2017 with the Sacramento office of the California Democratic Party, and shall be an appeal to the CDP Credentials Committee at their next regularly scheduled meeting.

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 Credentials Committee by 5 PM on July 24, 2017, at the Sacramento office of the California Democratic Party. The Credentials 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 Credentials Committee. CRC shall retain jurisdiction up until the time an appeal, if any, is heard by the Credentials 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