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 18 Director, six (6) candidates filed for election: Deborah Cunningham-Skurnik, Rena Marrocco, Iyad Afalqa, Skylar Tempel, Kevin Sabellico, and Denise Penn. In the official convention agenda, it was noted that the 1st Set of Regional Director Elections was from 4:45-6:00pm, with sign-in starting at 4:45pm and the meeting beginning at 5:00pm. The election took place in Hall E in Room 3. Deborah Cunningham-Skurnik received 54% of the vote and was declared the winner.

On May 27, Ms. Marrocco submitted a challenge to this election based on the fact that balloting closed prior to 6:00pm and that the room was “loud and noisy.” Ms. Marrocco asserts that both of these factors contributed to the “wrong person being elected to this position.”

DOCUMENTS RECEIVED AND REVIEWED

The CRC received and reviewed the following documents:

3. Received testimony from: Marleen Gillespie, Gary Bland, Martha Fletcher, Dinah Frieden, Francine Busby, Louise Stewardson, Jill Cseresznyak, Jill Nelke, Carl Crider, Cassius Anton Rutherford, Mike Bullock, Kelly Lomeland, Mike Getto, Brenda Merrill, Kenneth Stahl, Xavier Martinez, Anita Narayana, Rick Bova, Sue Dearing, Fran Sdao, Scott Rhinehart, Gary Kephart, Joy Frew, 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:

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

Ms. Marrocco was a candidate for election and thus has standing as an adversely affected party.

FINDINGS OF FACT:

Ms. Marrocco did run as a Regional Director candidate for Region 18 and placed second out of six candidates. The final vote totals were:

Vote Totals (84 total votes)
Candidate       Vote
Cunningham-Skurnik 48
Marrocco 26
Alfalqa 09
Penn 01
Tempel 0
Sabellico 0

Provisional - 1 for Cunningham-Skurnik (was not counted in the totals above) and no spoiled ballots in the race.

CDP Staff reviewed all the election materials. While there was some confusion as to the timing of the Regional Director elections, per past practice, the voting body itself controls when balloting closes. As the CRC has noted previously, it is a delicate balance between prescribed set-in-stone times and the reality “on the ground” that may conflict with those times if general session runs late and overlaps the schedule-allotted times for regional director elections.

In the Region 18 election, it would have taken 12 votes to force a run-off. The evidence failed to show that many who intended to vote for the Challenger were unable to do so. The CRC notes that there were only 16 total people eligible who did not vote. Finally, there is insufficient evidence to conclude that problems with acoustics in the room had any actual effect on actual votes and thus the outcome of the race.

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 Ms. Marrocco’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 Rules 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 Rules Committee by 5 PM on July 24, 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