MEMORANDUM

TO: All Interested Parties
FROM: Compliance Review Commission (CRC)
DATE: December 19, 2017
RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) ON THE CHALLENGE FILED BY CESAR RODRIGUEZ RELATING TO THE IMPERIAL COUNTY DEMOCRATIC CENTRAL COMMITTEE (ICDCC) ENDORSEMENT RECOMMENDATIONS

INTRODUCTION:

The CRC received a challenge filed by Cesar Rodriguez on December 6, 2017. Mr. Rodriguez filed a challenge to the ICDCC endorsement process that resulted in Ms. Annette Gonzalez-Buttner being endorsed by the ICDCC for the Imperial County Board of Education (Area 1). The election was held on November 7, 2017 and the results are below:

**County Board of Education, Trustee Area 1 (Vote for 1)**

<table>
<thead>
<tr>
<th>Precincts Reported: 14 of 14 (100.00%)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Times Cast</td>
<td>1,628 / 16,588</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Party</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANNETTE GONZALEZ-BUTTNER</td>
<td>NON</td>
<td>914</td>
</tr>
<tr>
<td>CESAR R. RODRIGUEZ</td>
<td>NON</td>
<td>701</td>
</tr>
<tr>
<td>Write-in</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Total Votes</td>
<td></td>
<td>1,615</td>
</tr>
</tbody>
</table>

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

1. Challenge received from Cesar Rodriguez on December 6, 2017.

TIMELINESS AND JURISDICTION:

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 2017, unless otherwise indicated.)

As relates to the endorsement process, the challenge by Mr. Rodriguez was submitted on December 6, 2017 for an election that occurred on November 7, 2017 which is not within the seven (7) calendar day requirement for timeliness and the CRC was not provided with “good cause” to waive the requirement thus it is not considered timely.

Article XII, Section 2a states:

“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.”

The question of jurisdiction as relates to the endorsement process did not have to be reached in the challenge because it was not deemed timely. As relates to Ms. Gonzalez-Buttner’s registration the CRC finds it does not have jurisdiction as local remedies have yet to be exhausted.

STANDING:

According to Article XII, Section 3:

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

The question of standing did not have to be reached in the challenge because it was not deemed timely.

FINDINGS OF FACT:
Mr. Rodriguez alleges that the ICDCC never notified him about the endorsement process and the Chair of the ICDCC, Ms. Gonzalez-Buttner, had an obvious conflict of interest. Additionally, Mr. Rodriguez also alleges that Ms. Gonzalez-Buttner was not only identified as an endorsed candidate of the ICDCC but also of the California Democratic Party. The latter claim was confirmed with the ICDCC Facebook post below:
Finally, Mr. Rodriguez alleges that Ms. Gonzalez-Buttner, while registered in Calexico, lives in Santa Clara and requests the CRC to verify her residency and validity as ICDCC Chair.

**FINDINGS AND ORDER:**

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

1) The CRC finds the challenge, as relates to the endorsement, was to a process that occurred prior to the election day on November 7, 2017 and thus were not timely nor was the CRC given “good cause” to waive the requirement.

2) The CRC notes for the endorsement of a county central committee to become the endorsement of the State Party, that county central committee must submit and have approved their bylaws by the CDP’s Rules Committee. The ICDCC has not done so and should cease and desist from claiming their endorsements are the endorsements of the State Party until such time that their bylaws are submitted and approved.

3) While the residency allegations contained in the complaint are not (at least at this point) within the jurisdiction of the CRC as local remedies have yet to be exhausted, we note that questions regarding residency requirements generally lies with state and local law enforcement authorities, and Ms. Gonzalez-Buttner’s membership on the State Central Committee is not tied to her role as Chair of the ICDCC.

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 December 31, 2017 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 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 January 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 of 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  
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