MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: April 3, 2018

RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO THE RURAL CAUCUS ELECTIONS

INTRODUCTION:

On Friday, February 23, 2018, the Rural Caucus held an election for Chair. At this election, Ms. Joy Sterling received 100 votes, Ms. Helene Rouvier received 27 votes and Ms. Ruth Musser-Lopez received 7 votes. Thus, Ms. Sterling was elected Chair.

The challenge filed by both Mr. Ron Cohen and Ms. Ruth Musser-Lopez alleges that the election violated rules of notice, disenfranchised voters and candidates, and voting process irregularities.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

2. Testimony submitted by Glenn Glazer, Liz Michelena, Craig Innis, Spencer Drayton, Carol Taylor, etc.
3. Rural Caucus Bylaws

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.)

The filing by Mr. Cohen and Ms. Musser-Lopez was submitted on March 1, 2018 relating to the Rural Caucus election held on February 23, 2018 which was within 7-days and thus the challenge is 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 CRC has jurisdiction 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.”

Mr. Cohen and Ms. Musser-Lopez are members of the Rural Caucus and thus have standing to bring this challenge as they could be adversely affected.

ALLEGATIONS:

The allegations by Mr. Cohen and Ms. Musser-Lopez include but are not limited to:

• Failure to notify members of the February 23, 2018 meeting and the need to pay dues;
• Failure to notify a certain class of members;
• Election official didn’t arrive on time and the ballot table was irregular;
• Disenfranchisement of members/potential members/candidates;
• Flawed member database. Disenfranchisement of members;
• Election procedures violation – member processing lanes;
• Disenfranchisement of the election officials;
• Violation of provision for nominations from the floor/write-in candidates;
• Candidate disenfranchisement and defamation; and
• No quorum was established to commence the meeting.

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 rejects the challenge, as both challengers were present at the meeting and didn’t raise objections at the appropriate time and in the appropriate venue at the Rural Caucus Meeting, thus they didn’t exhaust administrative remedies.

2) The CRC notes in the challenge that the only objections raised at the meeting pertained to write-ins. There was no evidence provided that a challenge was brought before the full body.

3) Consistent with past practice, the CRC standard to overturn an election result is that the challenger must quantifiably demonstrate that the conduct and/or actions complained of could have resulted in a different outcome had the challenged conduct and/or actions not occurred. The CRC finds that the standard was not met in this challenge.

4) The CRC notes the election does appear to have been chaotic and hastily conducted and issues could have been mitigated if the election officials arrived in a timely manner.

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 15, 2018 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 April 27, 2018, 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, Co-Lead Chair, Credentials Committee