MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: June 22, 2018

RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO A CHALLENGE FILED BY MR. STAMPOLIS

INTRODUCTION:

On April 23, 2018, Mr. Chris Stampolis filed a challenge regarding the endorsing of multiple candidates by the Santa Clara County Democratic Central Committee (SCCDCC) meeting held on April 5, 2018 and language within the SCCDCC Bylaws stating that SCCDCC endorsed candidates “…may carry the weight of the California Democratic Party…”

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

Documents received and reviewed by the CRC associated with the challenge included the following:
1. Challenge submitted by Mr. Stampolis filed on April 23, 2018.
2. Emails submitted by SCCDCC Chair Bill James on April 26 and June 9, 2018.

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 challenge filed by Mr. Stampolis on April 23 for a meeting, which occurred on April 5, is not within seven (7) calendar days, but a decision on timeliness did not have to be reached because the challenge is moot as explained below.
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 VIII (Endorsements, etc.) Article XIII (General Policies).

**STANDING:**

According to Article XII, Section 3:

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

As a member of the SCCDCC, Mr. Stampolis has standing to bring this challenge.

**FINDINGS:**

According to Mr. Stampolis’ challenge:

“As SCCDCC has a bylaws provision similar to that of ICDCC, with regard to multiple endorsements, and as SCCDCC used this bylaws provision on April 5, 2018 to endorse multiple Democrats for a single seat (County Supervisor District 4), and as the SCCDCC bylaw provisions regarding endorsements have not been approved by the Democratic State Central Committee (DSCC) or the CDP Rules Committee or an authorized representative of DSCC or the CDP Rules Committee, and as the SCCDCC bylaws reference endorsement by the CDP, I request that the Compliance Review Commission issue a Cease and Desist order, similar to the statement issued against ICDCC as reported by the Rules Committee report submitted to the 2018 CDP Convention, which was issued despite no timely complaint having been submitted to the CRC, or, as a clarifying measure, a letter of prevention to SCCDCC.”

SCCDCC Chair Bill James on April 26, 2018 stated:

“I am attached a proposed amendment to our "Endorsements in Local Races Act" which I believe would render moot the complaint that our member Chris Stampolis filed. I will present the language for the required "first reading" at our Central Committee meeting on May 3, 2018, and bring it back for action at our June 7, 2018 meeting. Our County Executive Board will have a chance to chime in at our regular monthly meeting on May 16. I'll keep all posted on our progress.”
SCCDCC Chair Bill James on June 9, 2018 stated:

At our June 7, 2018 meeting, the Santa Clara County Democratic Central Committee adopted the attached revision to its Endorsements in Local Races Act.

I believe this action renders moot the CRC complaint filed against our committee, and on that basis I request that the complaint be dismissed.

Proposed Change to Endorsements in Local Races Act

To be voted on at our June 7, 2018 SCCDCC meeting

III.B.1. Endorsed - By a two-thirds majority of those present and voting, the SCCDCC may endorse a candidate. At most one candidate per available seat may be designated Endorsed. Once a candidate has been declared Endorsed, no other candidates may be considered for endorsement for this seat, either at the endorsement meeting or at subsequent meetings, unless the endorsement has been revoked. A designation of Endorsed may carry the weight of the California Democratic Party (CDP) and means:

III.B.1.a. That the SCCDCC may publicize such endorsements;
III.B.1.b. That the endorsed candidate has the authority to publicize such endorsement as he/she chooses; and
III.B.1.c. Such other campaign assistance as the SCCDCC deems appropriate.

Statutory or accredited Democratic organizations shall be encouraged to lend or provide their name or campaign assistance to Endorsed candidates

III.B.2. Multiple Endorsement - By a two-thirds majority of those present and voting, the SCCDCC may endorse two or more candidates in a given race. Such endorsement means: III.B.2.a. That the SCCDCC may publicize such endorsements;
III.B.2.b. That the endorsed candidate has the authority to publicize such endorsement as he/she chooses, except that the candidate cannot claim to be endorsed by the CDP; and
III.B.2.c. Such other campaign assistance as the SCCDCC deems appropriate.

Statutory or accredited Democratic organizations shall be encouraged to lend or provide their name or campaign assistance to Endorsed candidates.

As noted above, the SCCDCC Chair Bill James notified the CDP that the SCCDCC adopted revisions to the Endorsements in local races which renders the challenge of Mr. Stampolis moot.

ORDER:

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

1) The CRC finds the challenge filed by Mr. Stampolis moot, as the SCCDCC has remedied the situation by amending their Bylaws.
2) The CRC did not have to reach a decision on timeliness since the challenge was determined to be moot.

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 July 4, 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 July 16, 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, Lead Chair, Credentials Committee