MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: August 3, 2017

RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO A CHALLENGE VETERANS CAUCUS ELECTIONS AT MAY 19-21, 2017 STATE CONVENTION

INTRODUCTION:

The annual California Democratic Party State Convention took place over the weekend of May 19-21, 2017. At the Convention, an election of officers took place for the Veterans Caucus. The election occurred on May 19, 2017 in Room 202.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

Documents received and reviewed by the CRC included the following:
2. Testimony in support of challenge by Joy Feldman, Tina Fredericks, Roger LaPlante, Porsche Middleton, Ricky-Ric Barreto, Derek Matthews (LATE). Also a list of 10 members was submitted whom support the challengers, some of which submitted testimony as well.
3. Testimony opposed to the challenge by Shawn Terris, Diana Love, Lawson Stuart.
5. Past meeting minutes of the Veterans Caucus.
6. Past policies of the Veterans Caucus.

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

(All By-Law references are to the California Democratic Party Bylaws, as amended through May 18, 2017, unless otherwise indicated.)

The original complaint challenging the results of the May 19, 2017 convention was filed on May 26, 2017; thus, the CRC finds this challenge 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 XII (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 bylaws provide that the chair of the caucus is an automatic member of the Executive Board and the CRC has jurisdiction arising under Article XI (Special Group Caucuses). 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.”

The Challenger was a member of the caucus and would therefore be impacted by the proper conduct of the election. Therefore the CRC finds the Challenger has standing.

**FINDINGS OF FACT:**

The election for Veterans Caucus officers took place on Friday, May 19 2017. At the meeting, a motion from the floor was made and seconded to overturn the Veteran’s Caucus’ Election Policy and allow candidate nominations from the floor. While the election policy makes clear that no changes are allowed between October 1 and the election, the Bylaws provision allowing the whole policy to be overturned takes precedence and was in order.

The Chair of the Caucus entertained the motion and a vote was taken.

Testimony submitted by both sides agree the motion received a majority vote. The chair mistakenly required the vote to need more than a majority and thus erroneously declared that the motion failed. The policy should have been considered overturned and nominations should have been allowed from the floor. They were not, in violation of the rights of those who wanted to be nominated from the floor and those who wanted to vote for candidates other than the ones already on the ballot.

The challenger is correct that the Veterans Caucus’ Bylaws are silent regarding floor nominations and in the absence, clarification must be sought from Robert’s Rules of Order (RONR). RONR allows floor nominations and thus the motion should have been granted. This failure to allow nominations invalidates the election.
The CRC does not have to reach a conclusion whether the Veteran Caucus Bylaw changes eliminating nominations from the floor or if the election policy itself was properly adopted.

**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 motion to overturn the election policy was in order and passed and the Chair of the caucus mistakenly declared the motion had failed.
2) The CRC finds that a new election must be held at the November meeting of the Veterans Caucus to ensure proper notice can be given and nominations from the floor should be allowed.
3) The CRC appoints Former Veterans Caucus Chair Rick Reyes to serve as Interim Chair until such time that a new Chair is elected. Mr. Reyes has agreed he will not seek election as officer.
4) The CRC stipulates only the voters eligible to cast votes at the May 19 meeting, are eligible to cast votes in the new election of officers.
5) The CRC finds that people on both sides of this challenge acted in good faith, however is disappointed that the current caucus officers resigned in protest.

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 August 14, 2017 with the Sacramento office of the California Democratic Party, and shall be an appeal to the next meeting of CDP Rules Committee.

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 August 26, 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