MEMORANDUM

TO: All Interested Parties
FROM: Compliance Review Commission (CRC)
DATE: June 30, 2017
RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO THE ELECTION OF THE STATEWIDE OFFICE VICE CHAIR FEMALE

INTRODUCTION:

On the weekend of May 19-21, 2017 at the California Democratic Party’s (CDP) State Convention in Sacramento the election of CDP statewide officers occurred including the election for the office of Vice Chair - Female.

In that race, two (2) candidates were eligible to be voted upon: Alexandra Gallardo-Rooker and Norma Alcala. The election took place on Saturday, May 20 from 4:00-7:00 pm. Upon conclusion of the vote tallying, the results were:

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexandra Gallardo-Rooker</td>
<td>1,584</td>
</tr>
<tr>
<td>Norma Alcala</td>
<td>1,289</td>
</tr>
</tbody>
</table>

On May 22, Ms. Alcala filed a challenge by delivering an election challenge to the Sacramento Office of the CDP.

Ms. Alcala’s original challenge falls into the following two categories:

1. Failure to play her candidate video, and,
2. A convention staff “cover-up”.

Ms. Alcala is requesting an investigation of each challenge with the remedy of holding of a new election and the reimbursement of $1,200 for the cost of the video.

In a subsequent filing on June 19, Ms. Alcala added a challenge to the election based on alleged irregularities and called for an independent audit of the balloting.

DOCUMENTS RECEIVED AND REVIEWED

Documents received and reviewed by the CRC were the following:

2. Amended challenge by Ms. Alcala on June 19, 2017 (accepted as an amendment to the original challenge on a 4-2 vote with Mr. Wagaman and Ms. Laramendi opposing).

**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 Bylaw references are to the California Democratic Party Bylaws, unless otherwise indicated.)

The challenge is deemed timely as it was filed on May 22, 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 the Vice Chair Female is an automatic member of both this Committee and its Executive Board and the CRC has jurisdiction arising under Article II (Membership), and Article VII (Executive Board). Therefore the CRC finds it has jurisdiction.

**STANDING:**

According to Article XII, Section 3:

“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.”

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**FINDINGS OF FACT:**

The CRC notes that every candidate for CDP statewide office was given a specific amount of time (5 minutes) to address the convention delegates. During this 5-minute period, candidates could speak the entire time themselves, allocate some or all of their time to other speakers, provide text of a speech for the teleprompter, or provide video or audio content. The CDP informed every candidate of the applicable deadlines to submit this information in order to allow the CDP’s Convention planning vendor (Frontrunner Productions) enough time to process the request.

In this case, according to the vendor, after several attempts and after being informed that it was too late to submit a video, Ms. Alcala’s campaign sent the video on Friday, May 19 at 3:12pm. This video was tested and played without incident.

Ms. Alcala’s campaign sent an updated video on Friday, May 19 at 6:37pm. (After the Convention had started and long after all applicable deadlines.). Although the vendor received the video, due to other convention-related tasks they did not test the video until the morning of May 20. The test of the second video was performed on the morning of May 20, on a personal laptop and not the “show computer” due to numerous other tasks being performed that day. As the time for Ms. Alcala’s speech approached, the vendor tested it on both the “show computer” and the “backup show computer” but experienced technical difficulties, such that it could not be played, and which could not be resolved prior to Ms. Alcala’s speech.

The CRC did not receive any testimony that identifies any votes, or voters, that would have changed the outcome of the election. Additionally, the CRC finds no evidence of any deliberate intent on the part of the vendor to harm Ms. Alcala’s candidacy.

The CRC notes that there is an inherent danger in submitting a video so late in the process when potential problems may not be able to be resolved because of factors out of control of both the candidate and vendor.

Finally, as to the amendment to the challenge, the CRC finds nothing contained in the amendment based on actual personal knowledge and that there was no specific information on whose vote, or ballot, might have been irregular. The CRC also notes that neither Ms. Alcala nor her representatives took advantage of the opportunity to review the election materials.

**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. Alcala’s candidacy by the CDP Staff or the third-party vendor.
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 for consideration of changes to the process.

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. If the appeal is to the decision as it relates to the original challenge it shall be an appeal to the CDP Rules Committee at their next regularly scheduled meeting. If the appeal is specific to the amendment of the original challenge, then it shall be an appeal to the CDP Credentials 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 either Lead Chair of the Rules Committee or Lead Chair of the Credentials Committee, whichever is appropriate, by 5 PM on July 24, 2017, at the Sacramento office of the California Democratic Party. The Rules Committee or Credentials 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 appropriate committee. CRC shall retain jurisdiction up until the time an appeal, if any, is heard by the appropriate 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