MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: August 25, 2017

RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO A CHALLENGE OF THE SELECTION OF THE EBOARD REPRESENTATIVE FROM YOLO COUNTY DEMOCRATIC CENTRAL COMMITTEE

INTRODUCTION:

The Yolo County Democratic Central Committee Executive Board Representative to the California Democratic Party is designated by the County Chair, with advice and consent of the County Central Committee’s Executive Committee.

At the Yolo County Democratic Central Committee Meeting on June 19, 2017, the Challenger made a point of order calling for the Executive Board Representative from the Yolo County Democratic Central Committee to the California Democratic Party be elected, in accordance with the California Democratic Party By-Laws. The Chair purportedly dismissed the point of order, noting that the Representative would be appointed in accordance to the Yolo County Democratic Central Committee Bylaws. Challenge to the CRC regarding said dismissal of point of order was filed July 10, 2017.

At the Yolo County Democratic Central Committee Meeting on August 21, 2017, the Executive Board Representative was selected. The Executive Board Representative information has been sent to the California Democratic Party Office.

DOCUMENTS INITIALY RECEIVED AND REVIEWED:

Documents received and reviewed by the CRC included the following:
   2. Testimony seeking information and clarification of bylaws filed by Bill Julian and Chris Wagaman.
   3. Testimony opposed to the challenge: none received.
   4. Yolo County DCC 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.”

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

The meeting at which the alleged violation in question arose was held on June 19, 2017. However, the original complaint challenging the alleged violation was filed on July 10, 2017, more than seven (7) calendar days after the alleged violation occurred. The CRC unanimously finds lack of timeliness.

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 arising under Article II (Membership), Article VII (Executive Board), and Article XIII (General Policies). The challenge pertains to the method by which the Executive Board Representative is elected. 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 is a member of the County Central Committee and Democratic State Central Committee and would therefore be impacted by the proper conduct of the method in electing the Executive Board Representative. Therefore, the CRC finds the Challenger has standing.

FINDINGS OF FACT:

At the Yolo County Democratic Central Committee Meeting on June 19, 2017, the Challenger made a point of order calling for the Executive Board Representative from the Yolo County Democratic Central Committee to the California Democratic Party be elected, in accordance with the California Democratic Party By-Laws. The Chair reportedly dismissed the point of order, noting that the Representative would be appointed in accordance to the Yolo County Democratic Central Committee Bylaws.

By-Laws Article VII, Section 2 b states:

“County Committee representatives elected as follows:
“(1) One County Committee representative shall be elected for each 100,000 registered Democrats or portion thereof resident in the county.

“(2) County Committee representatives to the Executive Board shall be elected by their respective County Committees at their first regular meeting following This Committee’s state convention in an odd-numbered year. Only Democratic State Central Committee Members who hold their membership by virtue of Article II, Section 4 shall be eligible for such election.

“(3) County Committee representatives shall be divided as equally as possible between men and women.”

By-Laws Article II, Section 4 states:
“Members Elected by County Central Committees

“a. Each County Central Committee of the Party shall elect, from its own members as defined by its by-laws, representatives who shall serve at the pleasure of the County Central Committee to This Committee as follows: four members as base representation, plus one member for each 10,000 registered Democrats or fraction thereof.

“b. The number of registered Democrats shall be as of the most recent report of registration to the Secretary of State. The Secretary of This Committee shall secure the registration totals received by the Secretary of State seven days prior to the General Election, and shall forthwith notify the respective County and District Committees of the Party registrations and the allocation of members to be elected under provisions of the Elections Code.

“c. Elections shall be held by January 31 following the regular general statewide election. Those committees that reorganize in January shall elect their representatives to This Committee at their organizational meetings.

“d. Persons elected as members shall be divided as equally as possible between men and women and shall be members of the County Central Committee as of the date of the first regular meeting of This Committee.

“e. In order for the representative to be eligible to vote at the next meeting of This Committee, no later than February 7 of an odd-numbered year, or next business day if date falls on state holiday or weekend, the County Chair shall notify the State Chair of the Party in writing signed by him or her of the names and addresses of the persons elected to membership of This Committee. Those committees which reorganize in January shall make this notification within three days of the elections held pursuant to subsection (c).

“f. County Central Committees may provide for the election of their allocation of membership on an at-large basis or by Supervisorial or Assembly Districts, or by any combination thereof.”
The Yolo County Democratic Central Committee Bylaws Article V, Section 3 states:

“Of the representatives elected by the Central Committee to serve on the State Committee, the County Chair shall designate, with the advice and consent of the Executive Committee, one Member who shall be the representative to the Executive Board of the State Committee.”

On August 2, 2017, the CRC received request from Yolo County Democratic Central Committee Members requesting clarification on whether the Yolo County Democratic Central Committee Bylaws are consistent with the California Democratic Party By-Laws, including:

1. Yolo County Democratic Central Committee Bylaws Article V, Section 3, pertaining to the Executive Board Representative
2. California Democratic Party By-Laws Article II, Section 4, pertaining to Democratic State Central Committee Members elected by County Central Committees
3. California Democratic Party By-Laws Article VII, Section 2 b (2), pertaining to the timing of the election of County Committee representatives to the Executive Board and the eligibility of such candidates.

At the Yolo County Democratic Central Committee Meeting on August 21, 2017, the Executive Board Representative was selected. The Executive Board Representative information has been sent to the California Democratic Party Office.

**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 based on lack of timeliness as described above under the “Timeliness and Jurisdiction” section.
2. The CRC finds that the challenge is now moot based on the election of the Executive Board Representative held on August 21, 2017.
3. The CRC directs that the question of determining the interpretation of the bylaws be referred to the Rules Committee.

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 September 6, 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 6b, 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 September 18, 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 5-0 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