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Respondent
LENORE ALBERT-SHERIDAN

**CALIFORNIA DEMOCRATIC PARTY
COMPLIANCE REVIEW COMMISSION**

In re KIMBERLY ELLIS, candidate for CDP
Chair 2017,

Challenger,

vs.

ERIC BAUMAN, candidate for CDP Chair
2017; and LENORE ALBERT-SHERIDAN,
candidate for CDP Chair 2017

Respondents.

RESPONDENT LENORE ALBERT-SHERIDAN'S RESPONSES AND OBJECTIONS TO KIMBERLY ELLISES' CHALLENGE/AMENDED CHALLENGE AND 6-21-17 PRESS RELEIASE ALLEGATIONS

Date of Response: June 23, 2017

Respondent Lenore Albert-Sheridan submits this Response to Kimberly Ellises' Challenge as follows:

I formally oppose the Amended Challenge by Kimberly Ellis. Kimberly Ellis has publicly accused voters in the Chair election and those ballots cast to "bear the hallmarks of organized manipulation." I am requesting that the CRC/CDP censure Kimberly Ellis.

The length of this Response is justified on the grounds that there is a segment of Delegates in the party that feel like they are not being heard or included and fear lack of transparency or worse, a conspiracy has occurred ripping the election from Kimberly Ellis.

Because Kimberly Ellis threw out unsubstantiated allegations, I sent out notice several times to the delegates asking them to email me with any evidence of wrongdoing at the convention for the votes. I did not obtain any evidence from the delegates. I sent out notice to the delegates that I would be reviewing the papers on June 16, 2017 at the CDP headquarters and to let me know if they wanted me to review anything in particular. I only received one belated response.

On June 16, 2017, I travelled to Sacramento and poured over 1,200 ballots plus looked at the other documents provided to team Ellis and found nothing to substantiate her claims.

At that time, she only referenced an employee of the Kaufman firm as allegedly voting twice. In fact, it was discovered by that employee he was assisting another jewish friend practicing his

religious belief by representing him as a signor. This would invalidate the claim of “mismatched signatures,” “double voting,” and “voting without a proxy” claims. A few other people came out and said that they had done the same thing with the CDP’s knowledge which Kimberly Ellis could have easily obtained instead of accusing them of illegitimately voting.

There were no declarations to check specific individuals so I did a full day of reviewing the first 1,200 ballots that were handed to me.

Kimberly Ellis alleged four other people should have their ballots voided on June 21, 2017 (David Heywood, Alejandro Valles, Deborah Quintero, and Linda Gonzalez). There is no evidence to support the assertion that these ballots should be invalidated.

I reviewed my observations I made on June 16, 2017 that I had written down. According to my notes Lydia Chavez was the proxy for David Heywood who resides in Anaheim, California. There was nothing improper with Lydia Chavez casting her vote or David Heywood. Ellis states that the proxy was improper because David Heywood was in “L.A. County” but he is registered and resides in Anaheim, California which is located in Orange County, California. Additionally, it was represented that he was appointed as a delegate and as such had a green proxy form giving him broader range of democrats he could designate as his proxy.

Lydia Chavez publicly wrote on Kimberly Ellis’ Facebook page:

“I was a proxy voter. I voted, as my proxy and I wanted, for Eric Bauman. I was accused of not being registered as a Democrat. Not only was it PROVEN that I was registered a Dem in January of 2017 by the OC registrar of voters but I paid for my Dem party dues and convention registration out of my own pocket while working a part time job.”

In response, Lydia Chavez was brutally maligned and attacked online on Kimberly Ellises’ public Facebook page. Kimberly Ellis did not demonstrate leadership or ability to take persona responsibility for her reckless actions by either quelling the cyber bullying of Lydia Chavez by Kimberly Ellis supporters or by publicly apologizing for her mistake that led to inciting others against Lydia Chavez.

The next name on her list was delegate Alejandro Valles. According to my notes Luis Fuentes was Alejandro Valles’ proxy. Alejandro Valles held a green proxy which means Luis Fuentes did not have to reside in Los Angeles. According to my notes, I also checked the signatures and every checked out on this ballot during my review.

Unfortunately, I did not get to the ballot of Deborah Quintero ADEM delegate who is listed as being from El Monte (48th Assembly District) or Linda Gonzalez elected via ADEM from Bloomington, California (47th Assembly District). Andre Quintero also came in as an ADEM delegate from the 48th Assembly District and Kimberly Ellis did not challenge that ballot.

If I had gotten to review those ballots, I am confident that I would be able to show you why, once again, Kimberly Ellis is doing nothing more than screaming the “sky is falling” when actually everyone should be outdoors enjoying this beautiful summer day.

Ellis did not identify any other ballot that she believed should have been disqualified so the CRC review should stop at this point and dismiss her challenge.

If the CRC is going to allow Ellis to make up new rules to follow in order to cast a ballot and have one's ballot counted, then the CRC should also disqualify at least the following Kimberly Ellis voters:

- Gilbert Brown
- Lorna Johnson
- Dora Alvarez
- Helna Avery Smith
- Orlando Fuentes
- Steve Hurley
- Carolea Jauregui
- Karen McBride
- Johanna Muenzel
- Hilary Crosby

Then after disqualifying those ballots, the CRC should give me access to the materials again to review the ballots in batches 13 through 30 along with the other written materials and see where we really end up under Kimberly Ellis' Rules of Voting.

Attorneys Greg Diamond and Joel Block fueled the fire. Greg Diamond exclaimed that no one had their Identification checked, implying that this was a violation. He exclaimed that there was too long of a line at the C table and there were ballots being destroyed. Joel Block started the conspiracy theory that was such a thing as a forensic audit of a paper ballot, hand counted election of approximately 3,000 ballots that did not use any electronic machines. Kimberly Ellis never publicly came out to quell the fears generated by these unsubstantiated rumors.

I have worked with the Credentials committee and interacted with the staff of the CDP as a Credentials committee member since 2015 and I have never even seen an appearance of impropriety from this group of delegates, the staff or the volunteers.

On June 16, 2017, I went to Sacramento and obtained access to the materials Kimberly Ellis reviewed after the Chair race. I started at 9:30AM and finished at 5:30PM with a one hour lunch. I was able to review 1,200 ballots during that time. A representative for Kimberly Ellis and for Eric Bauman were in the room along with CDP staff the entire time. Bill Lackemacher was present for Kimberly Ellis and Tracey L Frazier from Kaufman Legal Group was present all day. Other people came in and observed intermittently. Lackemacher sat to my immediate left and Frazier sat to my right. Both representatives were allowed to look at what I looked at and they were allowed to use their laptops and take notes.

I brought in a notebook with preprinted list of all delegates to the DSCC and took notes with a pencil of what I found or did not find during my review.

I did not recount all of the ballots because Kimberly Ellis stated she was not challenging the count. With that said, going through 1,200 ballots, I saw nothing to seriously change the vote in Kimberly Ellises' favor. 99% of the "irregularities" were from the Kimberly Ellis ballots, not Eric Bauman ballots although he had more proxies in the 1,200 ballots I reviewed. Also, I saw no evidence to support her claims in the Amended Challenge or the press release of June 21, 2017.

There were 2,931 ballots cast for Chair out of the 2,953 total ballots cast. Reviewing 1,200 out of the 2,931 ballots is representative to the entire ballots cast within 2.85% margin of error whether there were 3,000 ballots cast or 3 million.

Ellis asked for many things. With the onsite registration credentialing sheets, the proxy forms, the voter reg. sheets and the ballots she could go through each voter from beginning to end.

However, she wanted private financial information of the voter. I strongly object not only on financial privacy grounds, but also, on the grounds a Democrat should not encourage practices where a financial barrier may invalidate a vote. She alleged there were irregularities on the grounds that there was no ID check. However, as a Democrat I strongly object because that is not in our By Laws, Rules and it is something we advocate against because it is seen as a way to disenfranchise the common voter.

I did not run into one single instance of a person voting twice for Eric Bauman. I did not see any evidence of Republicans or others voting in the CDP Chair race. I did not observe any person going back to pick up another ballot with a different credential after they voted.

I did not see any evidence that people were not qualified to vote by proxy. Ellis represented that they used PDI software to confirm/deny that a person was qualified to vote. To my knowledge, PDI is not the source used by the Credentials committee to verify credentials to vote. Kimberly Ellis requested many items but she never requested this information.

One delegate insisted that Kimberly Ellis votes were cast upstairs in a different room than the votes for Eric Bauman and that was the basis of the challenge. Another delegate attorney Greg Diamond, said that the line in the C Section of voters was full of people who were there to vote surreptitiously, implying there was a plant working that table to give out ballots. Not one other delegate could corroborate that story and no one had a photo of it. All of these theories at best are conspiracy theories. One delegate attempted to accuse me of standing behind the W section on Saturday while votes were happening. I voted and immediately left for the Region 17 meeting. On Sunday morning, I worked the W table for the Vice Chair runoff because I am a member of the Credentials Committee.

On Friday, I worked Credentials and stood in the observation section. I observed four people within the first hour, come up to our table and explain that they had obtained their credential and wanted to hand it over to a proxy before the vote on Saturday evening. Kimberly Ellis represented there were five instances where the registration did not match the voter. Well, I personally witnessed four of those times where that would be true when the delegate registers and then later fills out a proxy for their proxyholder to take over. This happens all of the time.

Only under Kimberly's Rules would this be considered reason to disqualify a ballot that was cast.

I was told by multiple delegates that they were going to vote for me. On Saturday evening, I was told by several people that they changed their vote to Kimberly Ellis after being pressured into it.

Although Kimberly Ellis campaign coalition keeps calling me a plant, I want to be clear that I was never asked by Eric Bauman to run for Chair. I just was not bullied by the Bauman campaign like I was by the Ellis campaign.

At the convention, a few Ellis Campaign people asked me to withdraw from the race and told me I was being so nasty and mean. I was even asked to endorse Kimberly Ellis during my campaign speech on stage. She ran a continual negative whisper campaign against me which continued after the election was over. Every "eye witness" report by her campaign coalition of voter fraud was never substantiated with corroborating evidence. Trying to assert that they had a photo of me in the voting area behind W table on Saturday was an intentional misrepresentation because that was during the run off race between Bach and Fowler.

This type of conduct is going to get us to win the 2018 elections or run healthy campaigns.

Because the Kimberly Ellis coalition is attacking the delegates and proxies who are publicly speaking out that they want their vote counted and that they are not illegal or illegitimate votes, I am not going to disclose the names of those delegates and proxies that did not vote for Kimberly Ellis in my response who voted by proxy and those proxy forms I reviewed and were legitimate, other than to state I reviewed many and there were not the errors/mistakes by the delegates whose proxy voted for Bauman to the degree the delegates for Ellis erred. I do have my book with my notes for the CRC to review upon request.

As a fellow Democrat, I am ashamed that Kimberly Ellis never made a formal apology to the delegates and their proxies that she wrongly accused of illegitimately voting during the Chair race and she never made a public plea for her coalition to stop bullying those that did not vote for her or that she so wrongly identified. We should be better than that.

I also oppose any request for a forensic or independent audit. First there is no justification for one. Second, there is no such thing as a forensic audit of a hand counted, paper ballot election with approximately 3,000 votes cast in total. There is also no such thing as an "independent" audit. There was no request for a forensic document expert to examine a particular signature and no signer was identified which would be a prerequisite for any legitimate challenge. The review I performed if characterized as an 'audit' could not be performed independently or would be very hard to accomplish. The expert would have had to worked on the Credential Committee and Rules Committee under the current set of Rules and Bylaws in order to know how to properly check if someone is properly credentialed. For example, Hilary Crosby and Kimberly Ellis and their attorney used PDI. PDI is not the way to determine if a person is allowed to cast a vote. If the independent auditor has to be taught how the Rules and Bylaws work, then they are not qualified to be an expert and incompetent to such an extent that no one could reasonably rely on

their results. As such, I oppose on the grounds that the CRC are the only readily available experts to determine whether the election results are valid or to review the credentials.

I also oppose Kimberly Ellises' challenge to the use of the CRC on purported grounds of bias. I have seen no clear or convincing evidence of bias by any members of the CRC. In fact, I did observe that the credentials committee members did not wear any buttons, stickers or shirts showing preference to any one candidate maintaining a professional neutral position throughout the process. Moreover, the Credential committee did not endorse any of the candidates for the race.

Ellis' objection based on inadequate number of items to review should be denied. There were nine (9) different boxes (bankers size or larger) of materials the candidates were given to review after the election. The boxes contained:

2,953 ballots wrapped in 30 bundles with cover tally sheet attached to each.

Approximately 450 to 500 proxy forms bundled together.

Sign in sheets for Voting (Voter Reg Forms)

Registration form sign in sheet to obtain credential (prepaid and onsite)

Spoiled (void) Ballots (8) with three (3) proxy forms binder clipped together in a separate stack

There were not hundreds of missing ballots. Her allegations were baseless. I sought request from delegates concerned about their vote. I received none. On June 23 2017 Ed Garza expressed concern about his ballot. I did not see his ballot in the batches I reviewed 1 through 12. Ed Garza represented he voted for me. Whether he voted for me or not would not change the results of the election.

Registration includes not only delegates, but media, observers, and other guests. Ellis did not give any concrete facts to test her assertion. There were only 22 ballots where the voter chose not to vote for Chair. The ballots were still contained in the 100 count stacks but they merely were not added onto the top page. There surely were not hundreds that were missing. There were not any unusual markings on those 22 ballots where the voter chose not to vote for Chair to evidence any wrongdoing.

The tallies on the white sheets which added up to 2,953 ballots, bundled in 100s, matched the number of ballots contained therein which I spot checked a few batches (when the ballots included in the count also counted those ballots where there was no vote for Chair).

I did not do a recount because Ellis represented she was not challenging the count.

Ellis alleged double voting or tampering. There was no evidence of tampering or double voting with the spoiled ballots. There were only eight (8) spoiled ballots. I have the names of those voters in my records. Those ballots had a corresponding handwritten ballot that was counted toward the election. There was no evidence of any ballot being printed out twice. Moreover, those who she accused of double voting without a proxy in her Amended challenge ended up

being several people who were practicing their religion by having a representative sign their ballot for them and it was a reported custom with the CDP to do so.

If there were a recount using a more stringent standard for votes cast being valid under Kimberly's New Rules, her loss gap would be widened. She would lose at least nine (9) ballots in the first 1,200 alone.

For example, one ballot was cast by proxy but the proxy form in the stack was not signed by the Delegate and did not have an email attached to it or any other form of authorization attached to it. **Gilbert Brown** did not sign his proxy form. That vote was cast by proxy, Arthur Scott of Spring Valley, CA and counted towards Kimberly Ellises' total vote count.

There was one person not on the DSSC members 2017 list posted on the CADEM website that voted out of the 1,200 ballots I reviewed. That person was **Lorna Johnson** who voted for Kimberly Ellis. Through communication with CDP staff it was explained to me that she was a new delegate after the list was updated. I did not see any ballot that was invalidated because it had a mark for more than one candidate for chair.

When I checked the proxy forms from the 1,200 ballots I sampled, there was one proxy that was not signed. There were 150 votes cast by proxy out of the 1,200 ballots I sampled. The anomalies I found were not significant. The proxies that voted for Kimberly Ellis and that vote was counted in her total, were in some instances a vote under Kimberly's New Rules which would apparently be in violation and discarded in comparison to one for Eric Bauman that was tested in the same batch.

Brett Williams was the proxy for **Helen Avery-Smith**. The proxy was filled out properly. However, Brett Williams, the proxy printed his name on the actual ballot, he did not sign. This vote was counted and cast for Eric Bauman. Under CDP Rules that vote was valid, apparently Kimberly's New Rules considers it one to be disregarded.

Mary Vella was allowed to cast a vote as proxy for **Brandon Baranco** and she cast his vote for Kimberly Ellis which was counted toward her total, although the proxy form came in *via a mere email* stating that Brandon Baranco was a city council member appointed by Tony Thurmond. I did not observe any emails like this used for any proxy votes cast for Eric Bauman.

Genova Islas was allowed to vote as proxy for **Dora Alvarez**, but the delegate used the wrong proxy form. That vote was cast for Kimberly Ellis.

As mentioned above, Arthur Scott was made proxy for delegate **Gilbert Brown** and he cast his vote for Kimberly Ellis that was counted. However, the proxy form was never signed by the delegate Gilbert Brown.

Christina Harbondge was made proxy for delegate **Wanda Brown** and she cast her vote for Kimberly Ellis which was counted. However, the proxy form was not in the batch of forms sealed in the box. The proxy form was one of the three forms later discovered paper clipped to the eight spoiled ballots.

Two out of the three proxy forms attached to the spoiled batch each had votes counted and cast for Kimberly Ellis. Those voters were Alexander Monteiro for Addison Demisile for Kimberly Ellis and Wanda Brown via proxy Christina Harbridge for Kimberly Ellis. The CDP explained that the ballots were kept separate because they did not make it into the box.

Desiree Jaugequi, **Karen McBride** and Robert Carabad were each in the sampled batches that I fully recorded down information and each of these votes were cast and counted toward votes for Kimberly Ellis, but Karen McBride mistakenly cast her vote on Mark McBride's ballot which does not violate CDP rules but apparently would violate Kimberly's New Rules.

Testing of proxy checks for jurisdiction from Diana Abasta to Julie Dad showed no anomalies with those that cast votes by proxy, although they may have filled out the wrong proxy form (used central committee form instead of green proxy form – represented to be appointed by Assembly member).

When I compared signatures of proxies that voted for **Eric Bauman**, those signatures matched. For example, the signature of proxy KA matched the voter reg. sheet with the ballot (voted for Delegate RC). Proxy EH signature matched on voter reg. sheet and the ballot (voted for Delegate DC). Although DC was from San Jose and EH was from Sacramento, a green proxy form was signed and approved so there was nothing invalid about the vote cast.

I saw no evidence of ballot stuffing in the voting room or on the ballots. Some ballots were marked in one ink color and signed in another ink color. However, some people signed their ballots when they received them from the volunteer or member using the pen at that table and then using another pen when they voted inside the room. That does not mean that the ballots were somehow invalid. (E.g. **Felix Figueroa**, Anaheim vote for Kimberly Ellis in multiple ink colors).

Some delegates mistakenly signed as a proxy. For example, **Orlando Fuentes** of Elk Grove is a delegate. He signed the ballot as a proxy in his name and cast his ballot for Kimberly Ellis. Again, this ballot although not properly filled out, was counted.

Additionally, some delegates have the same name. One example is the name Robert Garcia. Robert Garcia of Jurupa Valley had a proxy Rachel Gonzago. If the Kimberly Ellis team accidentally mismatched Rachel with Robert Garcia of Long Beach, then their error – not that of the voter would be the cause of their accusation. (This was an Eric Bauman vote by proxy).

The proxy for delegate **Steve Hurley** of Grass Valley was not completely filled out but Neil Bodine was allowed to cast his vote for Kimberly Ellis and that vote was counted.

Carolina Jauregui of Whittier was allowed to cast her vote on a handwritten ballot for Kimberly Ellis and that vote was counted.

Kimberly's claim of improper voting for Bauman is specious. Matthew McBride from Walnut cast a ballot for Eric Bauman on a substitute ballot. I did not find a double ballot and I did not see Matthew McBride in the spoiled stack. Chris Myers explained that another delegate with the

same last name accidentally filled out his ballot and cast it as hers, so he was given a handwritten ballot.

Testing of signatures went from Diana Abasta to Rich Watterman in a sporadic fashion.

I did not see any true evidence of signatures that looked forged, although the signature did not match. For example, **Hilary Crosby's** signature did not match. Her hooks and crooks were different on the forms. I looked at my signature, and I did not sign my name the same way on the various sheets as I did the ballot either. However, I was personally present and signed my name on all sheets. I also saw Hilary Crosby personally present and we can all presume she signed her own ballot, too. I saw no real evidence that something was wrong with the signatures.

I oppose having the CDP spend resources gathering handwriting samples from all of the delegates and proxies in order to have a forensic document examiner examine our handwriting when I did not see any evidence to substantiate the allegation that a person impersonated a delegate or proxy and forged their signature. I heard many complaints by other delegates who asserted they were not warned that they had to sign their name exactly the same way and made no conscious effort to do so.

I did not see any evidence of a ballot being destroyed or thrown out as alleged. Some people wrote personal notes on their ballots such as "Yes for Kimberly" like Edgar Omar Estrada Santos did, but it did not affect the ballot and those ballots were cast and counted toward the total for Kimberly Ellis.

Some ballots had signatures that were in different ink than used in marking the ballot, all of those ballots were counted as cast for Kimberly Ellis or Eric Bauman. The difference in ink color or type is due to the fact that the person signed their name at the table where they picked up their ballot after being warned that their vote would not count if they did not sign their ballot. Then the voter would proceed to the tables inside the room to fill out their ballot with another pen on them or on the table.

Johannes Muenzel of Palo Alto posted online that he was the missing signature, but I did not review his ballot. I am informed he was a Kimberly Ellis voter. His ballot should be in batch 13 to 30. If Johannes Muenzel's admission is true, that would be an invalid ballot.

I'm sick of the accusations being thrown by the Ellis team and I'm sure I wasn't the only one wrongly accused of being a fraudulent vote.

I'm sick of Dems not supporting each other. It's one thing to want to make sure all the votes are okay. It's another to go and bring down the opponent and his supporters like we were all part of this grand scheme to cast fraudulent ballots.

As a last note, Kimberly Ellis was invited to the table before the votes were cast. She turned that down. After I came back from Sacramento and saw there was nothing remotely close to what she was alleging in the 1,200 ballots I reviewed, I sent a joint email to Ellis and Bauman to settle this matter in order to avoid embarrassment because there is no possibility that this CRC or any other reasonably minded body could ever find that Ellises' allegations were remotely legitimate. At most, it would be that her attorney, Hilary Crosby and Ellis herself were just very confused

and did not understand the process in order to come up with the broad allegations made based on what actually existed and was at their disposal. Kimberly Ellis never responded but her campaign coalition supporters went on an all-out assault against my character.

In the 2016 race for AD 72 against Travis Allen where I obtained over 71,000 votes even Travis Allen, the Republican who said we legalized child prostitution when we passed a law protecting children from obtaining a criminal record when they were in child trafficking, was never so vicious against my character, so slanderous, or vile. He is the same person who was also given fuel by Greg Diamond and Vern Nelson against me, and ironically has now come back to initiate the recall of Josh Newman (a candidate Greg Diamond supported) and is running for Governor.

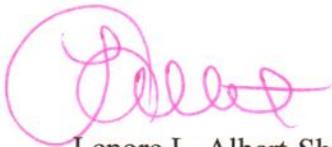
Actions have consequences. Kimberly Ellises' failure to respect my due process rights should lead the CRC to only one conclusion, dismiss the Challenge.

Wherefore I respectfully request that the CRC deny Kimberly Ellises' Challenge/Amended Challenge and to censure Kimberly Ellis that although it is appropriate to file a Challenge and follow process, it is unethical to do it in the way she did this one and unbecoming of a Delegate to lack such candor and integrity. She should also be ordered to give a public apology to all of the delegates and their proxies that she unjustly accused of "bearing the hallmarks of organized manipulation."

An audit does not appear that it would satisfy the delegates. One cannot occur outside the CDP. I threw out the option of having the CRC and staff possibly livestream the recount of the ballot calling off the name of the voter and then showing the vote on their ballot, being careful to avoid showing their signature line, however, no one seemed interested in that alternative. So this should simply end here and now with the real truth.

The phrase "Truth to Power" likely came from civil rights leader Bayard Rustin in 1942 and it was in a Quaker pamphlet in the 1950s about their religious society in the 18th century. When Bayard Rustin first used the phrase, he attributed the phrase to another person saying he said it in a speech. That person later became a leader of the ACLU. However, when historians looked back at the speeches, that phrase was never used. Consequently, people believe Bayard Rustin actually coined the phrase himself. He basically lied and used a shooting star to propel himself and a saying created with the opposite.

Respectfully submitted,



Lenore L. Albert-Sheridan, Delegate AD 72

Candidate for CDP Chair race 2017