June 8, 2017

BY FIRST CLASS MAIL & EMAIL

California Democratic Party
1830 9th Street
Sacramento, CA 95811
Attn: Compliance Review Commission

RE: Formal Challenge – CDP CHAIR ELECTION

To Whom It May Concern:

Right now, our Federal government is embroiled over questions related to political campaigns and outside influence. A clear conflict has grown between those nested in power and those who seek truth.

Here in California, our State Democratic Party is faced with similar questions relating to the election of multiple statewide officer races, as well as several regional director races.

Those seeking truth and validity in the outcome of the election are being derided and blamed for a division in the Party. It is a tragedy that some fail to see that the Party has not been unified in a long time. The divide between the rank and file activists of the Party and those with tremendous political power is stark and will likely widen unless there’s a radical change in approach and tone in discussing this difficult and complex issue from the CDP, its representatives and officers, as well as elected officials.

There is no question that this year’s CDP officer elections are not aiding our Party’s reputation. But rather than focusing the negativity on those who are raising legitimate issues, we would be better served to understand why they are being raised and resolve them as quickly as possible. An independent, third party audit would do exactly that.

The decision of what happens next rests in the hands of the six individuals who make up the CRC. We strongly feel that the current composition of the committee cannot render a fair and impartial decision on any of the issues raised in our challenges because of intractable personal conflict.

Of the five individuals who voted in this CDP officer election, 100 percent of them voted for Eric Bauman. Beyond this, one member of this Committee, Garry Shay, has publicly criticized Kimberly Ellis for her challenge of the vote. Another member, Michael Wagaman, served as Chair of the Credentialing Committee – the body responsible for the credentialing process now under scrutiny. Another member, Coby King, served as Parliamentarian over a process that is also in question.

Should the Party hope to move forward with its reputation intact after the conclusion of this process, it must be aware of the conflict that is inherent the current composition of the CRC; this body, as it stands comprised today, has little to no credibility to be fair and impartial with respect to this specific challenge based on personal conflict and reasonably understood bias.
PRELIMINARY REVIEW

The following provides an overview of the initial, preliminary findings from the Ellis campaign’s review of the ballot materials. It is critical to note that this information cannot be conclusive, as the campaign’s review team has not been provided with all of the requested material and has been denied access to finish its review.

At the heart of this matter is a knowable fact: are the votes of the DSCC delegates that were cast and counted on Saturday, May 20 in the California Democratic Party elections accurate and valid?

To answer this question, the California Democratic Party will need to investigate the possibility that individuals who secured delegate badges were not, in fact, those actual delegates. Additionally, the CDP will need to determine why ineligible individuals were awarded delegate badges as proxies and were not screened out. The CDP will also need to explain why financial eligibility is not clearly marked on credentialing materials.

The information that this initial review uncovered is alarming and concerning. The campaign had requested that the material be presented to a neutral third party to investigate before this information was ever publicly released. Unfortunately, Eric Bauman through his legal counsel, a firm facing two conflicts of interest in this case, including involvement in an improperly cast ballot, has made it clear that there is to be no outside review. Mr. Bauman’s response, through counsel, is that it’s time for the Party to move on and begin its work for 2018.

However, if the discrepancies noted by Ellis’ team are not verified by a neutral third party, the implications for the integrity and reputation of the California Democratic Party are severe. Based on the information contained here, the actual vote count is in question. It is believed that the wrong individual is serving as Chair.

SCOPE OF REVIEW

The Ellis campaign reviewed the following materials:
1. Ballots cast and signed by the delegates on May 20
2. Credentialing sign-in sheets for both attendees who registered and pre-paid their dues and attendance fees and those who registered and were required to pay their dues and attendance fees on-site
3. Proxy forms
4. Ballot count sheets have been agreed to be made available but the Ellis review team has yet to review them

The Ellis campaign requested to review but was not provided the following materials:
1. Discarded ballots
2. On-site payment receipts
3. Ballot sign-in sheets
4. Unused credentials
5. Unused ballots
6. Discarded proxies

TIMELINE

May 20 (Saturday) The first challenge was raised to the CDP Executive Director shortly after the doors to the ballot counting area were opened. The campaign requested a review of the ballots and was told by Executive Director Chris Myers to contact Senior Consultant Shawnda Westly. Ms. Westly conveyed that the matter would be properly addressed by Chairman John Burton, who would be reachable the next morning.

May 21 (Sunday) The challenge was raised to Chairman Burton during a phone call by then-Controller Hilary Crosby before 8 am. Sen Burton conveyed that Ms. Ellis should be proud of her campaign and getting so close to something no one believed possible, but the vote was done and there was nothing to be done about it. Ms. Crosby conveyed that Ms. Ellis would not be conceding. At this time, Ms. Westly requested a meeting between Ms. Ellis and Chair Burton.
At this meeting which took place on site at the convention prior to the start of the General Session, Ms. Ellis conveyed that she and other members of her campaign had received multiple reports of irregularities and inappropriate behaviors, which prevented her from having the confidence in the results of the election necessary to concede the election and ask her supporters to unite behind the leadership of Eric Bauman as the Chair.

The campaign was asked what evidence it had that the allegations were true; the campaign explained it would need to review the ballots, proxies and related materials to substantiate or refute the allegations. Chairman Burton informed the campaign that he would be gaveling in Eric Bauman as Chair, and that no challenge would be allowed.

Chair Burton did agree to convey publicly that Ms. Ellis was not conceding; in addition, he agreed that the campaign should have the right to access all of the needed material to validate or dismiss its concerns. A letter was presented to Chair Burton with the Ellis campaign’s material and documents request, which was received by Coby King, CDP Parliamentarian and Executive Director Chris Myers and agreed to by Chair Burton.

After the completion of the Sunday General Session, Hilary Crosby met with Chris Myers, observed the sealed boxes, and was assured she would be present when he opened the boxes. Chris Myers keep the boxes in his personal possession, until 9:30 am on Tuesday morning, May 23, the earliest time available to begin the Ellis campaign ballot review.

May 23 (Tuesday) The Ellis campaign began reviewing ballots, in the batches of 100 prepared by the people who counted the ballots on Saturday evening, May 20, in ascending order, starting with batch one. It was agreed at this meeting that all questions or flagged issues would be reviewed at the conclusion of the process. The Ellis campaign team was permitted access by six persons; the process was overseen by Chris Myers, with other CDP staff assisting in shifts. Up to three lawyers from Kaufman Legal Group, jointly representing Eric Bauman and the CDP, also observed the ballot review, and were able to inspect any ballots and related materials as well.

The campaign was not permitted to photograph or copy any materials, and as such, all information was manually collected and recorded on the Ellis team’s work papers. The team reviewed six batches; the process began at 9:30 AM and concluded before 5:30 PM. The materials were re-packed at the end of each day, and the boxes were re-sealed in the presence of the Ellis team and the observers from the Kaufman Legal group who were present.

May 24 (Wednesday) The review process continued. It began at 9:30 AM and concluded before 5:30 PM. Steve Kaufman spoke with Hilary Crosby and informed her there were three individuals who needed assistance with voting due to religious practices. Mr. Kaufman said he would provide the names of the individuals and never did.

May 25 (Thursday) It began at 9:30 AM and concluded 4:45 PM. The Ellis campaign requested to go until the predetermined time (5:30 PM) but were told it was concluded for the day. The campaign was also told that the CDP would not be able to accommodate the campaign until the following Tuesday, which would have been past the seven-day challenge provision of Article XII, Section Four of the CDP Bylaws.

May 27 (Saturday) Ellis campaign formally files challenge in order to meet the deadline to allow its challenge to be heard.

May 30 (Tuesday) Ellis campaign begins at 9:30 AM, completes its first pass through ballots, and asks to review certain batches to cross-reference missing or questioned data points, but does not arrange for a specific date and time to undertake that process, although Hilary Crosby and Chris Myers discussed the possibility that the campaign team would return on Tuesday, June 6th.

Based on the information gathered from the first three days of the review, the team became convinced that the number of discrepancies and patterns of evidence between inconsistent signatures and proxy selection justified an investigation by an independent professional in order to arrive at reliable findings. Through legal counsel, the campaign requested that all records associated with the vote be preserved, an interim Chair serve until the matter has been resolved, an independent forensic auditor be engaged, and a blue-ribbon commission be created to provide recommendations to re-design the CDP’s voting procedures to avoid problems of these sort in the future.

June 2 (Friday) Through counsel, the Ellis campaign requested responses to its previous requests. On behalf of Eric Bauman and the CDP, the Kaufman Legal Group refused all the requests, excluding a blue-ribbon panel that they agreed to create. Later that day, the Kaufman Legal Group communicated that they believed the review was complete and indicated that the Ellis campaign would not have access to the ballot materials again.
The officers of the California Democratic Party (CDP) are elected every four years at the convention after the US presidential election by the members of the Democratic State Central Committee (DSCC), aka the delegates. The delegates are grouped in three categories: Assembly District Delegates (ADEM), County Committee Delegates (County), and appointments made by Party Leaders and Elected Officials (PLEOs). As part of the PLEO category, there are some ex-officio members: the DNC delegation, four representatives from the California Young Democrats and four representatives from the California Democratic Council.

All delegates are either elected, or selected/appointed by persons who were elected or ran for public office. The votes cast by the delegates are considered public; the ballots are signed and are available for inspection by appointment by any Democrat. Volunteers connected with Kimberly Ellis’ campaign for CDP Chair (Ellis’ team) inspected all the ballots cast, cross-referenced the signed ballots with the sign-in sheets, and inspected the proxy forms connected with the votes cast.

In addition, the campaign received many communications from delegates throughout California describing many disturbing actions by individuals claiming to be acting on behalf of Eric Bauman’s campaign.

The Ellis team noted enough instances of weaknesses and inadequacies in the general administration of the election to raise serious questions as to the overall validity of its outcome. The issues include:

1. Verification of Identity
2. Verification of Fiscal Eligibility
3. Signature Discrepancies
4. Duplicate Voting
5. Proxy Eligibility
6. Anecdotal Indications of Inaccuracy/Illegitimate Ballots

INITIAL FINDINGS

1). VERIFICATION OF IDENTITY
Unlike delegates to the Democratic National Committee Convention who are required to present photo identification each day to receive their DNC credentials, the delegates to the CDP convention did not have to present any proof of identity before they received their credentials.

The delegates to the CDP convention, as previously noted, were all either elected directly or chosen/appointed by bodies and individuals who were chosen in public elections. Unlike county registrars who can cross-reference voters’ signatures against the voter registration file, the CDP has only one opportunity to verify the identity of each delegate: when they sign in and receive their credential. The CDP has required identification in the past, but its practice has been inconsistent and volunteer-dependent. Since CDP delegates all serve as some manner of elected representatives, not verifying the identity of each person issued a credential is a dereliction of our collective duty to the registered Democrats who the delegates represent.

2). VERIFICATION OF FISCAL ELIGIBILITY
Voting eligibility is determined in part by 1) full payment of convention fees and 2) payment of dues or a written request for dues to be waived. The records of delegate sign-in do not consistently provide verification that payments and/or waivers were received prior to issuing credentials. This rule was clearly stated in registration information posted and shared on the CDP website. Without verification of payment records and due to incomplete information, verification of fiscal eligibility is not possible from the materials provided to the Ellis team.

3). SIGNATURE DISCREPANCIES
There are approximately 200 ballots that have signatures that don’t match credential sign-in signatures or are missing signatures. Since delegates have specific windows to obtain their credentials, which had to be presented in order to obtain a ballot, when the signature on the sign-in doesn’t match with the signature on the ballot, this raises doubts that the individual voters were actually present during the window for registration. The campaign was informed after the first day of the review that there were potentially three ballots that might have been affected by religious observation, though no names were provided. To this date, no names of individuals have been provided. The review team has not contacted any individual directly to clear discrepancies as it is believed that an independent third party would be better suited to the task.
4). DUPLICATE VOTING
There were two instances of duplicate voting. At no time during the four days of the review did the Kaufman Legal Group provide any information about the names of the three individuals who needed assistance casting a vote to comply with their religious beliefs, despite agreeing to do so. The firm never disclosed the name of its employee, delegate or manner by which assistance was performed and recorded.

5). PROXY ELIGIBILITY
During the review of the voter registration of proxies, it was noted that several individuals who served as proxies were not listed in the PDI database as registered Democrats. In addition, a proxy for an ADEM delegate that was not registered to vote in the same Assembly District as the original ADEM delegate (this is a violation of CDP eligibility rules). It was also noted that there were more than a dozen missing proxy forms; therefore, no one could verify proxy address, current voter registration, or residence eligibility for those individual proxies.

6). ANECDOTAL INDICATIONS OF INACCURACY/ILLEGITIMATE BALLOTS
• The secretary of the Merced County DPCC was asked to add two people to the roster “retroactively” to make them eligible to be delegates and/or have proxies at Convention. This was also asked of Orange County for at least two delegates and in LA County for at least two delegates as well.
• One delegate reported that her proxy was misled by others and instructed to vote for Bauman for Chair against her expressed wishes.
• Although the Ellis campaign had been informed that only one observer from the campaign would be permitted in the credentialing area to observe the process, there were more than 20 observers from the Bauman campaign in the credentialing area at several points, not just observing, but also interacting with the registration volunteers.
• Several delegates reported that Eric Bauman offered specific incentives to them (e.g. standing committee appointments, help with campaigns, etc.) in exchange for their votes.
• Delegates or their partners reported being threatened that the CDP and/or the LACDP would hinder their campaign efforts and political consulting businesses if they did not support Eric.
• An employee of the State Assembly contacted the Ellis campaign to share information about the Los Angeles County proxy team for Eric Bauman, which they claimed organized individuals to serve as proxy voters who did not meet all the CDP criteria required; they also expressed concern that s/he could be vulnerable to retaliation.
• Individuals reported a proxy room, where Bauman supporters were gathering and creating proxy forms, and recruiting individuals from the Sacramento area to serve as out-of-district proxies for PLEO’s and their appointees.

TERMS OF CHALLENGE
• The CDP’s failure to verify identity of delegates resulting in individuals obtaining credentials who were not that individual
• The CDP’s failure to verify identity of proxies resulting in individuals obtaining credentials who were not that individual
• The CDP’s failure to verify identity of delegates resulting in individuals obtaining ballots who were not that individual
• The CDP’s failure to verify identity of proxies resulting in individuals obtaining ballots who were not that individual
• The CDP’s failure to prevent proxies and delegates from being able to cast a vote without confirmation of payment of dues
• The CDP’s failure to verify proxies were eligible to serve before obtaining credentials
• The CDP’s failure to ensure compliance with rules related to the number of Bauman campaign volunteers who were permitted to record credentialing check-in
• The CDP’s failure to ensure compliance with rules related to electronic communication within the voting area
• The CDP’s failure to ensure appropriate number of observers from each campaign were allowed to monitor the vote
• The CDP’s failure to ensure a second balloting was not conducted as per the Bylaws based on the ballot count of valid votes
• The CDP’s failure to comply with the terms agreed to by Chair Burton with respect to access to information
RESPONSE TO CRC

1. CRC: The request to extend the previously extended deadline of June 8, 2017 to submit additional documentation to support your original challenge of May 27, 2017 is denied.

Per Article XII Section Four of the CDP Bylaws: 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.

Nowhere in the Bylaws does it state that evidence must be provided when the challenge is lodged. It does not specify the timeline for when a response or hearing will be set by the CRC. The characterization that there has been special exceptions granted in the extending of this challenge is false and misleading. The June 8, 2017, response date set by the CRC is arbitrary and incompatible with the request to produce evidence, as there has been breach in the CDP’s agreement to provide access to the necessary information. The Ellis campaign’s access to the agreed upon information for review, including time, manner and place, is solely within the CDP’s control.

2. CRC: The CRC notes staff reported the Challenger had finished its review of materials on May 30, 2017. The CRC notes that as a result, on June 1, 2017, in consultation with the Lead Chairs of Credentials and Rules, staff responded to a previous request by the Challenger to be given an extension. Such an extension was granted, based on the 7 day timeliness standard established by the CDP bylaws, with a starting date corresponding to the date of the response. The CRC notes the challenger may dispute the aforementioned reported date when the review of materials was completed and the CRC requests the Challenger provide prior to the aforementioned June 8, 2017 deadline any documentation relating to the timeline of its review of materials.

The campaign is requesting any and all documentation related to the staff’s reporting that our campaign’s review of materials was finished on May, 30, 2017. Additionally, it is being requested that the name of the staff member and how this information was communicated to the CRC is provided to the Ellis campaign before any decision is rendered on any matter of this challenge so that the campaign can include this information in its response to the CRC.

On May, 30, 2017, Chris Myers (Executive Director) and Hilary Crosby agreed that the review was, in fact, not complete. In fact, it was agreed to by all parties at the start of the review on March 23, 2017 that the campaign would do an initial review of ballots and any discrepancies or other items that needed to be cleared would be done after this first review. The campaign was not afforded any opportunity to reconcile materials, as agreed to by all parties, at the start of the review process. This does not include a large assortment of materials the campaign requested and was earlier promised at the start of the review– including the ballot sign-in form. While the campaign was initially been offered the ballot sign-in sheet, it was agreed that the review would not initially review it as there were far less likely a chance for signature issues between the ballot and ballot sign-in sheet. Without the ability to check this series of signatures, the campaign is unable to provide any reliable and complete analysis on signature inconsistencies.

The position that the review was complete was first asserted by the Kaufman Legal Group after it refused a request for an independent forensic audit. The campaign was ready and willing to continue its review on June 1, 2017, but was told that in order to accommodate other challenges from CDP officer candidates, the Ellis campaign review team would not be permitted to continue until the following week. It was not until Friday, June 5, 2017, through the Kaufman Legal Group, that the CDP considered the Ellis campaigns review complete.

In reference to the item above, we are disputing the timeline outlined above. It is requesting citation of the Bylaws that validates the stated timeline above. With respect to challenges per Article XII Section Four, there no language that supports the seven-day timeliness standard except to the time from the alleged violation that a challenge must be submitted and the process then commences. Nowhere in the Bylaws does the seven-day standard apply to any other matter related to a challenge except its commencement.

3. CRC: The CRC again requests the Challenger submit any factual basis supporting the challenge based on documents reviewed to date. The CRC specifically requests that the Challenger submit information on any specific ballots they are challenging and the reason for the challenge. The CRC stipulates the Challenger’s belief that further factual basis for the challenge may be created through a review of documents previously reviewed and/or additional documents not previously reviewed as referenced in the letter of June 5, 2017.
Campaign is unable to provide a list of specific ballots due to our inability to finish the review process, as halted by the CDP. Without the requested documents outlined in the June 5 letter, the campaign is unable to comply with the CRC's request. As it stands now, the campaign would need to question a minimum of 300 ballots, with varying degrees of concern for each ballot. However, there are more ballots in question not included because the necessary information has yet to be provided by the CDP. The CRC is asking the Challenger to produce something it cannot, while acknowledging it has not provided the information requested by the campaign. Until a time when the review can be completed, evidence of any weight or merit specific to a ballot cannot be produced.

4. CRC: The CRC shall interpret the letter of June 5, 2017 as a request that the CRC direct additional documentation as referenced be made available for inspection by the Challenger and shall treat this as a modification to the original challenge filed on May 27, 2017.

The challenger is formally asking the CRC to reconsider its interpretation based upon the attached letter provided to the CDP on May 21, 2017, which outlines the campaigns initial request and includes the materials codified in the June 5, 2017 letter. This letter was reviewed, received and accepted by Coby King and Chris Myers prior to Chair Burton’s statement at Sunday’s general session about the challenge to the election and the agreement he, as Chair, made with the campaign to provide access to all of the requested material.

5. CRC: In support of this modification, the CRC requests the Challenger provide prior to the aforementioned June 8, 2017 deadline any documentation relating to prior requests for the aforementioned materials. Upon receipt of this information your request shall be considered by the CRC.

See attached.

6. CRC: The CRC shall interpret the letter of June 5, 2017 as a request that the CRC direct Kaufman Legal Group and any other relevant parties to produce documentation, not subject to attorney client or work product privilege, relating to the firm’s capacity as relates to the California Democratic Party and any disclosed potential conflicts of interests and shall treat this request as a modification to the original challenge filed on May 27, 2017.

The challenger is requesting that the Kaufman Legal Group provide this requested information to the CRC and the Ellis campaign before the CRC renders any other decision related to this challenge. This information provided by the Kaufman Legal Group is critical as it relates directly to a specific ballot challenge. Per the Bylaws, the written notice of challenge sent on May 27, 2017 only initiated the commencement of the challenge. This response serves as the basis of the challenge. Any information included after this initial response to providing information is a modification. Until now and as per the Bylaws, this is the first declaration of the issues specified in the challenge.

7. CRC: The CRC shall interpret the letter of June 5, 2017 as a request that the CRC order election materials be reviewed by a third party and shall treat this request as a modification to the original challenge filed on May 27, 2017.

As stated above and per the Bylaws, the written notice of challenge sent on May 27, 2017 only initiated the commencement of the challenge. This response serves as the basis of the challenge. Any information included after this initial response to providing information is a modification. Until now and as per the Bylaws, this is the first declaration of the issues specified in the challenge.

8. CRC: The CRC requests any other requested administrative actions requested by the Challenger be submitted by the aforementioned deadline of June 8, 2017.

Notwithstanding any and all other requests made previously or within this document, the Ellis campaign is requesting the following administrative actions:

- Citation and explanation from where in the Bylaws this composition of the CRC has been created, specifically answering: Was the composition of this CRC created by Eric Bauman as Chair? If not, the Ellis campaign is requesting citation and explanation from the Bylaws that permits Special Committee membership to extend beyond the term of the previous Chair.
- A new CRC is comprised of an equal number of members of both Ellis and Bauman voting delegates, with both Bauman and Ellis campaign agreeing to each other’s nominated CRC members. With 1400 delegates each, this should be achievable
- An interim Chair serves until this challenge to the election is resolved and the election can be certified.
- An ethic’s opinion from the California State Bar on the Kaufman Legal Groups conflict on jointly representing the CDP and Eric Bauman’s campaign.
Reproduction of documents so that the Ellis campaign can present as evidence.

Confirmation of preservation of records.

An independent forensic audit of the ballots and voting process to verify the votes cast were eligible and true.

Conflict of interest information requested by the CRC of the Kaufman Legal Group.

Documentation related communication of staff that the Ellis campaign review was completed.

A list of names of all volunteers and CDP staff who worked at either credentialing or balloting.

A list of names of observers and their campaigns of all observers in the ballot counting area.

Any and all documentation or information on the CDP’s practice for religious accommodations on voting procedures for CDP officer elections.

The names of any individuals who requested or made known their need for religious accommodations to cast their vote in the May 20, 2017 officer election.

Ballot sign-in sheets.

All received or distributed versions of DSCC rosters from February 2017 through May 2017.

All received or distributed versions of Central Committee rosters from February 2017 through May 2017.


Outline process for a second balloting should it be determined that neither candidate has enough votes.

Access to the information specified in letter dated June 5, 2017, including:

1. Documents constituting or relating to the transmission to the State Party of the appointment/election of Democratic State Central Committee member delegates;
2. Documents constituting or relating to the transmission to the State Party of the appointment/election of Democratic State Central Committee member proxy holders;
3. Documents constituting or related to the payment of member dues to the Democratic State Central Committee;
4. Documents constituting or related to the payment of any registration fees for the 2017 California Democratic Party Convention;
5. Documents constituting or related to the waiver of member dues to the Democratic State Central Committee;
6. Documents constituting or related to the waiver of any registration fees for the 2017 California Democratic Party Convention;
7. Documents constituting or related to registration of attendees for the 2017 California Democratic Party Convention;
8. Documents defining registration requirements for the 2017 California Democratic Party Convention;
9. Documents related to credentialing and credential retrieval at the 2017 California Democratic Party Convention;
10. Documents related to the policies and practices in connection with the issuance and collection of ballots at the 2017 California Democratic Party Convention;
11. Ballots collected at the 2017 California Democratic Party Convention;
12. The final report issued by the Credentials Committee at the 2017 California Democratic Party Convention;
13. Notices of intent-to-run for California Democratic Party Chair in the 2017 election filed with the Secretary of the Party;
14. Documents constituting or relating to nominations for California Democratic Party Chair in the 2017 election;
15. Documents constituting or relating to acceptances of nominations for California Democratic Party Chair in the 2017 election;
16. Documents constituting or relating to ballot counting;
17. Party registrations of all proxy holders appearing at the 2017 California Democratic Party Convention;
18. Documents identifying any County Central Committee members represented by proxy holders at the 2017 California Democratic Party Convention;
19. Documents identifying any Assembly District Election Meeting members represented by proxy holders at the 2017 California Democratic Party Convention;
20. Documents identifying the residential districts of any County Central Committee members represented by proxy holders at the 2017 California Democratic Party Convention;
21. Signed proxies used for admittance to the 2017 California Democratic Party Convention;
22. Documents indicating the filing times of all proxies used for admittance to the 2017 California Democratic Party Convention;
23. Documents related to any revocation or change of proxies used for admittance to the 2017 California Democratic Party Convention;
24. All sign in sheets for participants to the 2017 California Democratic Party Convention;
25. The Credential Committee Final Report;
26. The official voting list of delegates;
27. The ballot batch tally sheets;
28. The on-site sign in sheets; and
29. The agenized Credential Report.

9. **CRC:** The CRC notes should the Challenger not submit any of the requested materials, the CRC has the right to reach a determination on the challenge based solely on the factual basis as contained in the Challenger’s letters of May 27, 2017 and June 5, 2017.

The Ellis campaign acknowledges this right. It also notes that the CRC is stating any requested material and not all requested material in this statement. As such, the Ellis campaign is concluding that the CRC is agreeing that not all requested material can be supplied at this time.

10. **CRC:** The CRC notes that should the Challenger not submit any of the requested materials, and should the CRC dismiss the challenge as a result, the Challenger may submit a new challenge, but would be required to show good cause, sustained by a unanimous vote of the CRC as specified by Article XII, Section 4 of the bylaws.

The Ellis acknowledges this position and stipulates that this is non-applicable, as it has provided much of the requested materials.

Sincerely,

/s/ Kimberly Ellis

Kimberly Ellis

Cc: Eric Bauman
    Alex Gallardo-Rooker
    Daraka Larimore Hall
    Jenny Bach
    Dan Weitzman
    Chris Myers
    Garry Shay
    Steve Kaufman
    Coby King
    Michael Wagaman
    CRC Committee Members