

TO: CDP Executive Board
FROM: Rules Committee
Rules Committee Report for August 26, 2017

- I. Roll Call – with 22 members, a quorum was present.
- II. M/S/P Adoption of Meeting Agenda
- III. Introductions
 - A. M/S/P to accept the Charges by CDP Chair Eric C. Bauman
 - B. M/S/P to approve all Subcommittees outlined in a letter to the Committee by Rules Chair Garry Shay, including:
 - ADEM Subcommittee – Chair: King; Members: Bowler, Gale, Khopkar, Wingard
 - Caucuses Subcommittee – Chair: Zakson; Members: Alcala, Meredith, Miller, Root
 - Election of Officers Subcommittee – Chair: Hansen; Members: Hernandez, Khopkar, Summers, Zakson
 - Endorsements Subcommittee – Chair King; Members: Blackerby, Hurd, Rafiei, Wong
 - Miscellaneous Issues Subcommittee – Chair: Shay; Members: Andrews, Chiu, Strobridge, Zakson
 - C. M/S/P to make the Lead Chair an Ex Officio, non-voting member of all Subcommittees
- IV. Bylaw Amendments
 - A. M/S/P Review of Bylaw Amendments adopted at 2017 State Convention (see attached)
 - B. M/S/P Proposal by Region 12 to amend the Conflict of Interest Disclosure Amendment (see attached)
- V. Subcommittee Reports
 - A. M/S/P received the Subcommittee on ADEMs report. The Subcommittee will continue to seek testimony until September 15, 2017, hold a Subcommittee meeting, and issue a report prior to November 1, 2017.
 - B. Endorsements Subcommittee: The Rules Committee received Subcommittee reports from July 18, 2017 and August 8, 2017. The Rules Committee accepted the recommendation to reject several proposals referred to and considered by the Subcommittee. Below are those proposals accepted by the Rules Committee:
 1. Consideration of proposal to ensure all candidates that seek the endorsement the endorsement affirm that they have read the most current version of the CDP Platform. M/S/P to amend and accept proposal as follows: striking “shall” and insert “should” in sentence 1; capitalize “T” in “This Committee” in sentence 1; insert “under Article VIII, Section 3” after “Committee” in sentence 1; and strike sentences 2, 3, and 4, as follows:

CDP Bylaws Article VIII, Section 3 c.(3) is amended to read: Each candidate seeking the endorsement of the California Democratic Party shall be mailed, or provided via email, a link to a copy of This Committee's most recently adopted Platform, at least ten (10) days prior to the pre-endorsing conference, or in the case of a Special Election the endorsing conference, in the relevant district and shall submit to This Committee a non-reimbursable filing fee in advance of the first level of the process in which his/her name is considered. The filing fee shall be set by the Finance Committee and duly adopted by the Executive Board at least six months prior to the ratification date for endorsement. All candidates seeking the endorsement of This Committee under Article VIII, Section 3 should affirm in writing that they have read the most current party platform before they are eligible for consideration to be endorsed.
 2. Consideration of proposal on threshold for endorsement recommendation of Endorsing Caucuses. M/S/P motion to accept recommendation to adopt proposal.

CDP Bylaws Article VIII, Section 3 c.(8) is amended to read: ~~Endorsement of an incumbent candidate seeking reelection shall require a vote of simple majority of the caucus members present and voting; provided, however, that should more than one incumbent be seeking the endorsement of the same caucus, Any endorsement shall require sixty percent (60%) vote of those caucus members present and voting. Endorsement of all nonincumbent candidates shall~~

~~require sixty percent (60%) vote of those caucus members present and voting. In the event This Committee fails to endorse on the first ballot, no further votes shall be taken and the position of This Committee in that race shall be "NO CONSENSUS." A candidate shall be considered an incumbent for the purposes of this section only if the candidate is seeking reelection to the same body in which that candidate currently serves and that candidate currently represents a district within the State of California.~~

3. M/S/P recommendation that a working group be convened with the view to make adjustments to the endorsement process for the 2020 election cycle.
- C. M/S/P receive the Subcommittee on Miscellaneous Issues report. The Subcommittee will hold a public meeting and the report will be considered by the full Rules Committee at the November EBoard.

VI. New Bylaw Amendments

- A. M/S/P refer to Subcommittee on Endorsements proposal by Carrie Scoville, et. al., to eliminate the language granting the elected legislative leadership 30 additional appointments each.
- B. M/S/P refer to Subcommittee on the Election of Officers a proposal by Glenn Glazer to formalize in the Bylaws a procedure to allow someone voter assistance in marking their ballots in internal party elections/endorsements.
- C. M/S/P a proposal by Margaret Okuzumi to make a minor technical change to the Bylaws. In Art. VIII, §3g(6), amend as follows:
Nothing in this section relieves a Democratic Club of its obligation to submit its roster to the Regional Director by July ~~±~~15 of the year preceding the pre-endorsing conference, as provided hereinabove.
- D. M/S/P a proposal by Ruthee Goldkorn to correct the terminology in Article V. Section 5(f) In Art. V, §5(f), amend as follows:
The Democratic Party has a commitment to diversity and openness in participation. To ensure that commitment, the Affirmative Action Committee shall advise all persons with power of appointment and all electing bodies of the demographics of California Democrats so they may make informed choices in the selection and election of delegates, committee members and staff who are representative of the diversity of the Democratic Party ~~in~~ with respect to gender, ethnicity, creed, age, sexual orientation, economic status, persons with disabilities as defined in the Americans with Disabilities Act of 1990 ~~physical ability~~, and area of residence.
- E. M/S/P Refer to the Subcommittee on Miscellaneous Issues a proposal by the CDP Disabilities Caucus regarding accessibility at public meetings and duties of the Affirmative Action Committee.

VII. Challenge

- A. M/S/P to reject the challenge relating to the Democratic Party of Contra Costa County.

VIII. Compliance Review Commission (CRC)

- A. M/S/P receive and file the CRC decisions with regards to the Chair's race, Region 11 and Region 18 elections.
- B. M/S/P to uphold the CRC decision in the Vice Chair Female election.

IX. Other Business

- A. M/S/P to reject the endorsement date clarification proposal
- B. M/S/P refer AD51 Special Election complaint(s) to the Subcommittee on Endorsements.

X. M/S/P Adjournment

Bylaws Amendments for Adoption

The Bylaw amendments below were passed by the Rules Committee at the May 2017 State Convention.

CLARIFYING POST-PRIMARY ENDORSEMENT VOTER ELIGIBILITY

In Art. VIII, §3h(1), change:

“(b) members who were eligible as of the date of eligibility for the immediate preceding Meeting of This Committee but have since the appointing deadline died, moved, changed their registration to a district other than the district the election is occurring, or resigned may be replaced by the appropriate appointing authority or in the case of a Statewide race, will put the endorsement before the next Executive Board. Such endorsement proceedings shall otherwise be conducted similar to a Special Election as provided under Article VIII, Section 3.e.”

Change to clarify who is eligible to vote in post-primary endorsements.

CLARIFYING APPOINTMENT LANGUAGE

In Art. II, §3:

a. ...except that members elected to the House of Representatives ~~Congress~~ and the State Assembly shall be entitled to appoint five members...

Clarifies that the section is referring to the House of Representatives and not US Senate.

TECHNICAL CHANGE TO REFER TO APPROPRIATE SECTION

In Art. VII, §2h:

h. The Chair of each caucus officially recognized by This Committee pursuant to Article XI, Section 1, (e) and (f) ~~Article IV, Section 10~~ of these By-Laws.

CAUCUS BYLAW AMENDMENTS

In Art. XI, §1:

c. Which extends membership ~~and full voting rights to all registered Democrats~~ to persons of voting registration/preregistration age (as defined in the Elections Code), who meet the eligibility requirements for Caucus membership, and who are either (i) registered Democrats or (ii) ineligible to register as Democrats, but who have expressed an intent to register as a Democrat upon becoming eligible. And which extends full voting rights to all such persons who meet the membership voting requirements of such that Caucus.

d. Which has been found to be in compliance with the requirements noted herein and has also been found to meet the Guidelines for Certification for Re-Certification of Caucuses referred to below, based on a review of the application and investigation by the Rules Committee, whose findings shall be conclusive unless reversed by a majority of the Executive Board,

GENDER AMENDMENTS

In Art. II, §3:

a. Each member identified in Section 2b or 2c of this Article shall be entitled to appoint six members, ~~at least three of whom shall be of the opposite sex;~~ except that members elected to Congress and the State Assembly shall be entitled to appoint five members, ~~at least three of whom shall be of the opposite sex.~~ Equal Division shall be adhered to in all appointments made under this section.

b. Each member identified in Section 2d or 2e of this Article shall be entitled to appoint three members, ~~at least two of whom shall be of the opposite sex~~; except that nominee members for Congress and the State Assembly shall appoint two members, ~~at least one of whom shall be of the opposite sex~~. Equal Division shall be adhered to in all appointments made under this section.

d. “Equal Division” shall mean that in all appointments elections and appointments to which this phrase applies, one half shall be self-identified female and the balance shall be other than self-identified female. A variance of no more than one (1) shall be allowed when the number concerned is an odd number. With regard to appointments made under Article II of these bylaws, the appointor shall be counted in determining whether or not Equal Division has been adhered to. With regard to elections, this rule shall only apply to the greatest extent possible if insufficient numbers of a gender should decide to run.

e. “Gender” shall mean one being either “self-identified female” or “other than self-identified female”.

In Art. II, §4:

d. Persons elected as members shall ~~be divided as equally as possible between men and women~~ adhere to the Equal Division Rule, and shall be members of the County Central Committee as of the date of the first regular meeting of This Committee.

In Art. II, §5:

b. Persons elected as members shall ~~be as equally divided as possible between men and women~~ adhere to the Equal Division Rule. ~~In the event less than six of one sex should be candidates for election as representatives to This Committee, they shall be deemed automatically elected, with the balance of the delegation being of the other sex.~~

In Art. II, §6:

The highest vote-getting candidate for a Statewide Non-Partisan office registered as a Democrat, at the time of the close of filing, shall be a member of This Committee. If elected, such candidate shall be entitled to appoint six members of This Committee, ~~at least three of whom must be of the opposite sex~~ and shall adhere to the Equal Division Rule. If not elected, such candidate shall be entitled to appoint three members of This Committee, ~~at least two of whom must be of the opposite sex~~ and shall adhere to the Equal Division Rule. In the case of an office for which the above does not apply, one member shall be appointed by the Executive Board of This Committee to fill the appointor's position.

In Art. II, §10b:

(3) Should a member elected to membership by an Assembly District Election Meeting cease to be a member for any reason specified in subdivision (a) of this Section, then the vacancy shall be filled by the person of the gender necessary to maintain, achieve or improve equal division ~~as between men and women~~ who received the next most number of votes at the relevant Assembly District Election Meeting. In the event that this method does not provide a person to fill the vacancy, then the current Assembly District Representative to the Executive Board shall call a public meeting of the remaining members of This Committee resident in the Assembly District, who shall fill the vacancy with a registered Democrat resident in the Assembly District who is the gender necessary to maintain, achieve or improve equal division ~~as between men and women~~. This meeting shall be called with at least 10 days notice to the members of This Committee resident in the Assembly District. Once the vacancy is filled, the Assembly District Representative to the Executive Board shall notify, in writing, State Chair of the Party of the selection made pursuant to this subdivision.

In Art. III, §1:

a. The statewide officers of This Committee shall be a State Chair, ~~a male Vice Chair, a female~~ **two** Vice Chairs, a Secretary and a Controller. The Vice Chairs shall adhere to the Equal Division Rule.

* * *

c. The Vice Chair of the opposite sex as the Chair who, when considering the Chair and Vice Chair together adheres to the Equal Division Rule, shall be designated the First Vice Chair.

In Art. IV, §6:

a. Members of This Committee may be represented at any meeting of This Committee by proxy. A member may give his/her proxy to a registered member of the California Democratic Party, of the same ~~sex~~ gender whenever possible, who is not already a member of This Committee subject to the following limitations:

In Art. V, §3:

Except as set forth here in below, The Chair of This Committee shall appoint from fifteen to twenty-five members of This Committee to each of the Standing Committees mentioned herein. For all Committees without exception, the Chair of This Committee, in making these appointments, shall take into consideration the Party's commitment to non-discrimination, affirmative action, inclusiveness, and diversity including, but not limited to such things as: race, color, creed, national origin, sex, gender identity, age, religion, ethnic identity, sexual orientation, persons with disabilities as defined by the Americans with Disabilities Act of 1990, economic status. The geographical location of the appointees, including their residence in urban, suburban, or rural communities, shall also guide the Chair of This Committee in making appointments to each Standing Committee.

In Art. IX, §6:

Vacancies in the delegation shall be filled in the same manner as specified herein above. Only persons of the same ~~sex~~ gender as the person whose vacancy is being filled may be a candidate for membership of the Democratic National Committee. In the filling of vacancies, it is the intent of these By-Laws to maintain equal division of the delegation between males & females except as allowed by Section 4 above.

CONFLICT OF INTEREST DISCLOSURE (With Amendments Below)

New ARTICLE II Section 12. Conflict of Interest Disclosure.

a. A member of This Committee must disclose to other Members of This Committee while addressing a Convention, Executive Board Meeting, or through written disclosure when communicating through mail or e-mail that said member, the spouse of the member, or the domestic partner of the member has a material financial interest in advocating for or against a candidate for State or Federal Office or one or more state initiatives if said oral or written communication relates to the material financial interest.

b. For purposes of this section, a "financial interest in advocating for or against a candidate or one or more state initiatives" exists when the member or the spouse/domestic partner of the member:

1. is a candidate for the public office under consideration; or,

2. is a paid employee or independent contractor of a political committee or owner, paid employee or independent contractor of a consulting firm which is taking a position for or against one or more candidates or state initiatives under consideration; or

3. is an employee who serves or works in paid employment at the pleasure of a person standing for election to the office under consideration; provided, however, that nothing in this rule shall require any person serving on a non-salaried basis as an appointee to a public panel, board or commission to make such disclosure; or

4. otherwise receives monetary compensation for the purposes of taking a position for or against one or more candidates or state initiatives under consideration.

c. A financial interest is "material" when it has a value of \$1,000 or more in a calendar year.

d. Disclosure shall be accomplished by stating verbally, when speaking, or in the communication itself when doing so through mail or email, the material financial interest the member of This Committee has in the candidates or state initiatives under consideration.

e. Statewide Officers of This Committee shall be required to file quarterly financial disclosures statements (promulgated by the Rules Committee), itemizing any compensation constituting a material financial interest as defined herein.

f. Such quarterly financial disclosure statements shall be filed with the CDP Office, available upon request, with each Statewide Officer's current disclosure statement made available on the CDP website.

Conflict of Interest Disclosure Amendments:

Amendments recommended by the Rules Committee

The following amendments were recommended by the Rules Committee and because these are in furtherance of the original proposal, refine it, and do not go beyond its scope, these are before the Executive Board.

New ARTICLE II Section 12. Conflict of Interest Disclosure.

a. A member of This Committee must disclose to other Members of This Committee while addressing a Convention, Executive Board Meeting, or through written disclosure when communicating through mail, ~~or~~ e-mail, or other digital communication, primarily directed towards members of This Committee, that said member, the spouse of the member, or the domestic partner of the member has a material financial interest in advocating for or against a candidate for State or Federal Office or one or more state initiatives if said oral or written communication relates to the material financial interest.

b. For purposes of this section, a “financial interest in advocating for or against a candidate or one or more state initiatives” exists when the member or the spouse/domestic partner of the member:

1. is a candidate for the public office under consideration; or,

2. is a paid employee or independent contractor of a political committee or owner, paid employee or independent contractor of a consulting firm which is taking a position for or against one or more candidates or state initiatives under consideration; or

3. is an employee who serves or works in paid employment at the pleasure of a person standing for election to the office under consideration; provided, however, that nothing in this rule shall require any person serving on a non-salaried basis as an appointee to a public panel, board or commission to make such disclosure; or

4. otherwise receives monetary compensation for the purposes of taking a position for or against one or more candidates or state initiatives under consideration.

c. A financial interest is “material” when it has a value of \$1,000 or more in a calendar year.

d. Disclosure shall be accomplished by stating verbally, when speaking, or in the communication itself when doing so through mail, ~~or~~ e-mail, or other digital communication, primarily directed towards members of This Committee, the material financial interest the member of This Committee has in the candidates or state initiatives under consideration.

e. Statewide Officers of This Committee shall be required to file quarterly financial disclosures statements (promulgated by the Rules Committee), itemizing any compensation constituting a material financial interest as defined herein, and shall file a “Notice of Acquisition of Material Financial Interest” within fifteen (15) days of acquiring same.

f. Such quarterly financial disclosure statements shall be filed with the CDP Office, no later than the 15th of the month after the end of each quarter, available upon request, with each Statewide Officer’s current disclosure statement made available on the CDP website, within 48 hours of filing.