

## MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: May 6, 2020

RE: **COMPLIANCE REVIEW COMMISSION (CRC) DECISION RELATING TO A CHALLENGE FILED BY CYNDI DAWSON**

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### **INTRODUCTION:**

Cyndi Dawson filed a challenge relating to the actions of the Santa Cruz County Democratic Central Committee (SCCDCC). The challenge alleges that the SCCDCC used party funds to send out a mailer that was not approved at any SCCDCC meeting. Ms. Dawson alleges that the mailer listed incumbents in a way that presented them as being endorsed by the California Democratic Party. She believes these actions to be a violation of the SCCDCC Bylaws Sub-Article XVII.2 Funding Requests and Appeals for Support Section D and the California Democratic Party Bylaws ARTICLE VIII: Endorsement of Candidates for Partisan and Nonpartisan Office, and Endorsement and Opposition to State Ballot Propositions, Initiatives Referendum, and Recall Section 1(b).

### **DOCUMENTS INITIALLY RECEIVED AND REVIEWED:**

Documents received and reviewed by the CRC associated with the challenge included the following:

1. Challenge submitted by Ms. Dawson filed on February 10, 2020, amended and submitted February 15, 2020.
2. A copy of one side of the mailer in question
3. SCCDCC Bylaws
4. Response submitted by the Executive Board of Santa Cruz Democratic Central Committee

No other timely testimony was received from Ms. Dawson or any of the interested parties.

### **TIMELINESS:**

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. Upon a showing of good cause, sustained by unanimous vote, the Compliance Review Commission may waive this requirement.”

(All By-Law references are to the California Democratic Party Bylaws, as amended through November 2019, unless otherwise indicated.)

The challenge filed by Ms. Dawson was submitted on February 10, 2020. The submission was within 7 days of the mailer being sent out on February 7, 2020, thus the challenge was timely.

**STANDING:**

According to Article XII, Section 3:

“Any party to a challenge must be adversely affected to bring the challenge.”

Ms. Dawson was a candidate running for the SCCDCC in Supervisorial District 3. The CRC finds that Ms. Dawson does have standing as she was an adversely affected party.

**JURISDICTION:**

Article XII, Section 2 states:

“The Compliance Review Commission shall have initial jurisdiction over all challenges and/or appeals arising under these Bylaws.”

Further, the CRC Procedural Rules, Section 2, B. 2. state in pertinent part that a challenge must,

“Explain [] the basis of CRC’s jurisdiction... If the CRC cannot discern the section of the CDP Bylaws alleged to have been violated or which grants jurisdiction to the CRC, it may dismiss the challenge.”

The challenge submitted by Ms. Dawson failed to provide any basis for jurisdiction under the CDP Bylaws.

**FINDINGS:**

Pursuant to Article VIII, Section 4 of the California Democratic Party (CDP) Bylaws, a Democratic candidate for nonpartisan elective office who has been endorsed by their County Central Committee shall also be considered to be the endorsed candidate of the CDP provided that the endorsing provisions of the relevant County Central Committee bylaws have been reviewed and approved by the Democratic State Central Committee of the CDP as consistent with its own Bylaws and with the fundamental rules of fairness.

In order to find jurisdiction, the CRC has to determine which specific portion of the Bylaws this challenge pertains to. In this specific challenge, the portion of the mailer Ms. Dawson objects to was in connection with an election to the County Central Committee. Such elections are not within the California Democratic Party (CDP) Endorsement Jurisdiction.

Furthermore, the SCCDCC Bylaws were never submitted and approved by the California Democratic Party.

**ORDERS AND COMMENTS:**

Based upon the above facts and Bylaws of the CDP, the CRC makes the following order:

1. Based on the information presented, the CRC finds no jurisdiction under the CDP Bylaws and denies the challenge.

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. Thus, any appeal must be filed on or before May 18, 2020 with the Sacramento office of the California Democratic Party, and shall be an appeal to the next meeting of the 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 May 30, 2020, 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 of an appeal, if any, is heard by the Rules Committee.

Respectfully submitted by a 6-0 vote of the members of the CRC,

Tim Allison, Co-Chair, Credentials Committee

Kathy Bowler, Co-Lead Chair, Rules Committee

Nicole Fernandez, Co-Chair, Rules Committee

Coby King, Co-Chair, Rules Committee, and Co-Chair of the CRC

Lara Larramendi, Co-Lead Chair, Credentials Committee, and Co-Chair of the CRC

Keith Umemoto, Co-Chair, Credentials Committee