

## 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 JASON BEZIS**

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### **INTRODUCTION:**

Jason Bezis filed a challenge relating to the actions of the Democratic Party of Contra Costa County Central Committee (DPCCC). The challenge alleges that the DPCCC violated the California Democratic Party By-Laws, the DPCCC By-Laws, and Elections Code 7208 when voting to endorse Measure J slated for the March 3, 2020 Primary Election ballot at its February 20, 2020 meeting. Mr. Bezis contends that:

1. the voting violated the CDP By-Laws which bans "Secret Ballots" for endorsements, thus he contends voting required "signed written ballots."
2. the voting violated Election Code 7208 as it stipulates that an alternate cannot cast a vote when the regular member is present and in this case the DPCCC regular member's alternate voted even though the DPCCC regular member was not absent from the meeting.
3. the DPCCC violated Open Meeting provisions by not allowing photographs and video recording of the meeting, resulting in "Secret Ballot" voting.
4. the meeting site was prejudicial because it took place at the IBEW local, which supported Measure J.
5. the CDP's "fundamental rule of fairness" was violated as the opposing campaign to Measure J was not contacted.

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

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

1. Challenge submitted by Mr. Bezis filed on February 27, 2020 and three supporting documents.
  1. Exhibit A – DPCCC Final Agenda 02.20.20
  2. Exhibit B – IBEW Letter Endorsing Contra Costa County 2020 Measure J
  3. Exhibit C – No on Measure J Mailer by SEIU

No other timely testimony was received from Mr. Bezis 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 challenges filed by Mr. Bezis were submitted on February 27, 2020. The submission was within 7 days of the DPCCC meeting on February 20, 2020, thus the challenge was timely. The CRC finds all challenges timely, except the endorsement meeting that took place on January 4, 2020 regarding the DPCCC violation on Open Meeting provisions by not allowing photographs and video recording of the meeting, resulting in "Secret Ballot" voting.

**STANDING:**

According to Article XII, Section 3:

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

Mr. Bezis is a member of the DPCCC, thus the CRC finds that he has standing as he was adversely affected.

**JURISDICTION:**

Article XII, Section 2(a)(1) states:

“The Compliance Review Commission shall have initial jurisdiction over all challenges and/or appeals arising under these Bylaws, except as pertains to Removal or discipline of a Member or Removal or discipline of an Officer of This Committee.”

The CRC has jurisdiction under article VIII (Endorsement of Candidates for Partisan and Nonpartisan Office, and Endorsement and Opposition to State Ballot Propositions, Initiatives, Referendum, and Recall) of the CDP By-Laws.

Pursuant to Article VIII, Section 4 of the California Democratic Party (CDP) Bylaws, a Democratic candidate for nonpartisan 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.

The DPCCC submitted amended Bylaws the CDP Rules Subcommittee on County Bylaws on January 16, 2020 for review. The Subcommittee recommended that the amended DPCCC Bylaws dated January 16, 2020 be approved by the CDP for the endorsement process of nonpartisan offices, so that the endorsement of the DPCCC for nonpartisan offices may become the official endorsement of the CDP.

#### **FINDINGS:**

1. As to Mr. Bezis's claim that voting at the DPCCC violated CDP By-Laws that prohibit the use of secret ballots, the CRC considers a secret ballot to be a written ballot that is not signed. Unless there is an adopted motion for a roll call vote, a voice vote or a show of hands is sufficient to avoid the prohibition on secret ballots. The CRC finds that based on the evidence presented, no violation was committed.
2. As to Mr. Bezis's claim that voting at the DPCCC violated Elections Code 7208 as it stipulates that the alternate cannot cast a vote when the regular member is present and the DPCCC regular member's alternate voted even though the DPCCC regular member was not absent from the meeting, the CRC notes that the California Supreme Court has found that county committees are not bound by the Elections Code.
3. As to Mr. Bezis's claim that the DPCCC violated CDP Open Meeting provisions by not allowing photographs and video recording of the meeting, resulting in "Secret Ballot" voting, the CRC finds that this challenge was not submitted timely and declines to opine on the issue.
4. As to Mr. Bezis's claim that the meeting site was prejudicial because it took place at the IBEW local, which supported Measure J, the CRC finds Mr. Bezis' argument unpersuasive. Many Central Committees rely on our union partners for office and meeting room space which may cause an appearance of a conflict but does not make the endorsement process a conflict of interest.
5. As to Mr. Bezis's claim that the CDP's "fundamental rule of fairness" was violated as the opposing campaign to Measure J was not contacted, the CRC finds this argument to be unpersuasive based on the evidence submitted.

#### **ORDERS AND COMMENTS:**

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

The CRC denies all challenges as Jason Bezis was not able to provide proof of a violation of either the DPCCC or any article of the California Democratic Party Bylaws.

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