

TO: Executive Board, California Democratic Party
FR: Rules Committee, California Democratic Party
DA: 6/14/2020
RE: Report of the Special Rules Committee Meeting of 6/14/2020

I. **CALL TO ORDER:**

Meeting Called to Order, 1:05pm.

II. **QUORUM ESTABLISHED:**

With 27 Members a Quorum was present.

III. **ADOPTION OF AGENDA:**

MSP Adoption of Meeting Agenda.

IV. **REPORT FROM THE ADEMS SUBCOMMITTEE**

Proposed By-law amendments re: Article VI Assembly District Election Meetings; Article XII Compliance Review Commission; Article XIII General Policies.

The ADEMS Sub-Committee report was presented and amended with the following changes:

Amendments

CDP Bylaws, Article VI, Section 1.b(2) - Adopted

Such Decisions under this section may be adjusted for each ADEM cycle, but will otherwise carry over from the previous ADEM cycle, until the finalization of the next reapportionment.

CDP Bylaws, Article VI, Section 1.i(1) - Adopted

~~Upon conclusion of the election conducted pursuant to the previous paragraph, †The Convener shall immediately transmit by the methods set forth in the ADEM Procedures by telephone, fax or e-mail to the Chair of This Committee (or their designee) the number of ballots. names and titles of those elected.~~

CDP Bylaws, Article VI, Section 1.i(4) – Motion Referred back to Subcommittee on ADEMs 22yes / 2no

Added subsection 4

4) Each voter in an ADEM election may use their registration code to confirm via a searchable online system maintained by this committee that their vote has been received and counted. Such Information shall be available at the time that the ADEM results are released.

CDP Bylaws, Article VI, Section 1.j(1) - Motion Passes

Motion to empower the Chair of the ADEM Subcommittee to draft language to revise Article VI, Section 1.j(1)... to offer the Executive Board position to a candidate who has indicated they would run in the application process. Subject to review by Coby King, Garry Shay and Ryan Skolnick before being brought to July EBoard meeting.

Changes to CRC Procedures: Remove extra "is"

Section 7: Appeal

H. The CRC shall determine whether a decision is subject to appeal and, if so, if it is an appeal is to the Credentials Committee or to the Rules Committee in any order it issues.

The amendment to Compliance Review Commission Procedural Rules was adopted pursuant to CDP Bylaws Article V, Section 5, b and is now in effect.

The Sub-Committee report regarding By-laws Amendments for consideration by the Executive Board was adopted as amended and is attached as Exhibit "A"

V. **CHANGES TO COMPLIANCE REBIEW PROCEDURES:**

At the request of several CRC members, Co-Lead Co-Chair Shay presented proposed amendments to the Compliance Review Commission Procedural Rules to amend Section 5, D, 5, and to renumber succeeding sub-clauses and sections accordingly. Corrections for spelling and pagination were made.

The following is the adopted amendment after spelling corrections were made, and, pursuant to CDP Bylaws Article V, Section 5, b and is now in effect and are attached at the end of this Report.

Section 5: Powers

5. Dismiss or deny without requesting responses, any filing that they have determined:

a. that even if all of the alleged facts were true the challenge would still be denied or dismissed,
b. is frivolous or without merit,
c. is primarily meant to vex, annoy, or harass the respondent, and/or,
d. manifests an absence of:
(1) good faith in bringing, or,
(2) a substantive argument underlying,
the challenge which makes requiring a response and hearing detrimental to the best interests of the Democratic Party as a whole;

provided, however, that if any member of CRC requests the matter be heard, responses and a hearing will be scheduled.

VI. **REMOTE MEETINGS:**

At the request of CDP Chair Hicks, Co-Chair Zakson proposed an amendment to the bylaws to allow for meetings other than in person during declared emergencies.

The proposal was amended to make clear it applied to official governmental orders or a finding of similarly extraordinary circumstances by the Chair of This Committee. The proposal was adopted as amended and is attached as Exhibit “B”, for consideration by the Executive Board.

VII. **DISMISSAL OF RENTERS CAUCUS APPLICATION:**

Due to the decision of the proponents of a potentially new Renters’ Caucus to apply for status as a Statewide chartered Organization through the O&D Committee process, instead, the Application previously filed was dismissed.

VIII. **BEZIS APPEAL FROM RULING OF CRC:**

M/S/P Motion of Co-Chairs to Continue Hearing on Appeal to the July Executive Board, meeting of CDP Rules Committee.

IX. **NEW BUSINESS:**

There was no new business.

X. **ADJOURNMENT:** It was M/S/P to adjourn at 6pm.

POST SCRIPT: The Rules Committee adopted additional amendments at prior meetings which were included in its reports, which have not as yet been considered by the Executive Board, and are scheduled for consideration at this next meeting. They are attached hereto as Exhibit “C”.

EXHIBIT A

Draft Amendments as approved by the Rules Committee, June 14, 2020

Part 1: Revise Article VI to read as follows:

**ARTICLE VI: ASSEMBLY DISTRICTS AND ASSEMBLY DISTRICT
ELECTION MEETINGS**

Section 1. ASSEMBLY DISTRICT ELECTION MEETINGS

- a. Regular, biennial Assembly District Election Meetings shall be held ~~within each Assembly District in the State~~ for the purpose of electing from each Assembly District 14 members to this Committee and one representative to the Executive Board:
- (1) The Election Meetings shall be held on the Saturday or Sunday of the weekends immediately prior to and following the weekend when the Martin Luther King, Jr. holiday is celebrated ~~second Monday in January~~ in odd- numbered years, with such meeting beginning no earlier than 10 am nor begin later than ~~3~~2 pm, with the time for registration to be open for a ~~two~~four-hour period.
 - (2) Persons eligible to participate shall be all registered Democrats residing in the Assembly District, who have agreed in writing to abide by the Code of Conduct.
 - (3) Persons eligible to be candidates for Assembly District representative or Assembly District Representative to the Executive Board shall be all registered Democrats who were eligible to participate as such in the preceding General Election; provided however, that if a person turned 18, or became a United States citizen by virtue of naturalization, after the last day for registration for said election, execution on or before the end of the filing period referred to in Section 1(i) of the Article of a legally valid voter registration form showing a residence within the Assembly District shall constitute prima facie evidence of eligibility to participate; and has agreed in writing to abide by the Code of Conduct.
 - (4) The Convener of the Election Meeting shall be selected by the Chair of this Committee in consultation with the Regional

Director responsible for the Assembly District, no later than September 15 of the year prior to the ADEM meeting. ~~Should no person be selected by September 15, the Chair of This Committee shall select a person.~~ The selected Convener must be a registered Democrat and pledge not to seek a DSCC seat nor an Executive Board position from that ADEM.

b. Locations

- (1) There shall be at least one ADEM location in each Assembly District.
- (2) Prior to the 2021 ADEMs and¹ prior to the first ADEMs after each decennial reapportionment is finalized, the Chair of This Committee shall publicize a list of Assembly Districts in which more than one ADEM location shall be established. In deciding which Assembly Districts shall have more than one location, the Chair shall consider whether there exists good cause to do so. For the purposes of this subsection, The Convener of the Election Meeting may request a variance from the date, time, and registration period duration of the Election Meeting as set out in Article VI, section 1.a.(1) to another date and time during the second weekend in January in odd-numbered years, or to allow for the holding of the Election Meeting simultaneously at more than one site in the Assembly District, or to modify the duration of the registration period, by filing an application with the State Chair by November 1, or next business day if the date falls on a state holiday or weekend, of the year preceding the holding of the Election Meeting showing good cause for such a variance. "Good cause" may include the necessity of traveling very long distances, traveling in heavy traffic through dense population centers, or traveling in hazardous weather conditions. The State Chair must reply by November 10, or next business day if the date falls on a state holiday or weekend. It is the intent of the Executive Board that the two weekends be utilized to spread the Election Meetings within a particular Region over the two different weekends. It is also

¹ The language "Prior to the 2021 ADEMs and" shall be deleted from these Bylaws upon the finalization of the reapportionment following the 2020 Census.

~~the intent of the Executive Board that the provision for the simultaneous holding of more than one meeting is meant to apply primarily to the very large districts connected by often-closed mountain passes. Such decisions may be adjusted for each ADEM cycle, but will otherwise carry over from the previous ADEM cycle, until the finalization of the next reapportionment.~~

- (3) In consultation with the Regional Director(s) resident in the Assembly District and with other local interested persons appointed by the Chair, and consistent with paragraph (2) above, the Chair shall identify one or more appropriate locations in each Assembly District by November 15 of the year preceding the ADEM. The location selection shall be guided by criteria provided in the ADEM Procedures and shall be posted on the Party's website.
- (4) For the convenience of Democrats registered in geographically large Assembly Districts, The Chair of This Committee may designate one or more ADEM locations to serve more than one Assembly District, as long as each Assembly District is served by at least one location within that Assembly District.
- (5) Challenges on location decisions:
 - (a) Any member of This Committee may challenge location decisions affecting the Assembly District in which they are registered to vote to the Compliance Review Commission by November 22 of the year preceding the scheduled ADEMs. Such filings may challenge decisions as to specific locations or as to the number of locations for a particular Assembly District.
 - (b) As to challenges concerning specific locations, such an appeal must contain an immediately available alternative to the selected location that also meets the location criteria in the ADEM Procedures at a similar cost. The Compliance Review Commission may, in its sole discretion, dismiss such a challenge if it does not contain

the required information on an alternative location as to its availability and suitability.

(c) Notwithstanding any other language in these Bylaws, the Compliance Review Commission may follow an expedited schedule to make a decision by December 15, and the decision of the Compliance Review Commission on matters in this subsection shall be final.

- c. The Chair of This Committee, in consultation with the appropriate Regional Directors and the Conveners shall, no later than November 15 of the year preceding the holding of the Election Meeting, or next business day if date falls on state holiday or weekend, publicize on the Party's website ~~notify the Chair of This Committee and the Chair of each County Committee which lies wholly or in part in the district of the date, time, and place of the Election Meetings. Failure to do so by that date shall empower the Chair of This Committee to designate a new Convener who shall provide such notice no later than December 3 of the year preceding the holding of the Election Meeting, or next business day if date falls on state holiday or weekend. The Chair of This Committee shall post this information on the Party's website.~~
- d. The Convener and the Chair of This Committee, as indicated below, shall make every reasonable effort to make known to all registered Democrats in the Assembly District of the date, time, place, and purpose of the Election Meeting, the rules for participation in the Election Meeting, and the filing deadlines and rules for candidates for delegate, by transmitting notice of the Election Meeting no later than December 21 of the year preceding the holding of the Election Meeting, or next business day if date falls on state holiday or weekend, to the following persons:
- (1) All members of This Committee residing in the District (to be notified by the Chair of This Committee).
 - (2) All members of the County Committee residing in the District (if one or more counties lie wholly within the District, then the notice shall be transmitted to all members of those County Committees) (to be notified by the Convener, to the list of members to be obtained from the Chairs of any County Committees which lie wholly or in part within the Assembly District).

- (3) All attendees of the previous Assembly District Election Meeting (to be notified by the Chair of This Committee).
- e. Proof of compliance with the provisions of the preceding subsection shall create a rebuttable presumption of compliance with Article XIII, sections 3, 5 and 6.
- f. The Convener or the Convener's designee shall preside at the Election Meeting as chair, and ~~Convener~~ shall be responsible for conducting the Election Meeting in conformance with the ADEM Procedures in effect at that time. ~~forward a list of names, addresses, e-mail addresses, and phones of all persons attending the Election Meeting as participants to the Chair of This Committee within three days after the Election Meeting is held.~~
- g. In order to receive a ballot, ~~Each~~ Election Meeting participant shall agree ~~be asked,~~ on via a form provided by the Secretary of This Committee, to allow the Party to use the contact information they submit as part of the registration process for outreach purposes. ~~indicate their willingness to assume an organizational responsibility for one or more precincts within the district or to assume another specified organizational responsibility for the Party. Copies of a list of the persons so expressing such willingness to assume responsibility and of the responsibility each person is agreed to assume shall be sent by the Convener to the Chair of This Committee and the Chair(s) of the appropriate County Committee(s).~~
- h. The Rules Committee of This Committee shall promulgate ADEM Procedures governing the organization and conduct of the Election Meetings, ~~including the election of 14 delegates to This Committee as set forth in Article II, Section 5, and one representative to the Executive Board, as set forth in Article VII, Section 2(e), which Rules Procedures shall include,~~ a process for applying as a candidate for delegate, including an opportunity to indicate a willingness to serve as Representative to the Executive Board if elected as provided in Section 1(j)(1) below ~~for candidates for delegate and for candidates for Representative to the Executive Board,~~ a filing fee of \$30 (which may be waived due to hardship and such waiver shall be available as an option online and on all written forms) for candidates for delegate, a filing period of 30 days which shall start 60 days prior to the date of the first biennial Assembly District Election Meetings and end 30 days after the start of the filing period, and each provide for the posting of eligible

candidate names (to be updated no less than once per week starting with the opening of the filing period) on the Party's website, along with statements by the candidates, with the proviso that such statements be no longer 2400 characters and shall not mention the name of any other candidate. Statements shall be published as submitted; no additions, corrections, or other edits shall be made once submitted. Candidate may also provide a link to a video campaign statement as long as such statement does not mention the name of any other candidate.

i. Post-ADEM Procedures:

- (1) When the time for balloting has ended according to the ADEM Procedures, the Convener shall proceed to count the number of ballots (but not the votes) according to the ADEM Procedures. Upon conclusion of the election conducted pursuant to the previous paragraph, ~~the~~ Convener shall immediately transmit by telephone, fax or e-mail to the Chair of This Committee (or their designee) the number of ballots. ~~names and titles of those elected.~~ The ballot box shall be sealed with the voted ballots, blank ballots and all supporting materials, and delivered to one or more addresses designated by the Chair of This Committee.
- (2) Upon receipt of the ballot boxes, and after a process to verify participant eligibility is completed, The Chair of This Committee (or his designee) shall cause the eligible ballots to be counted and shall publicize the results on the CDP's website. The Chair shall then start the process of offering the position of Assembly District Representative to the State Executive Board to the appropriate persons as provided in subsection (j)(1) below. Upon acceptance of the position, those persons' names shall also be so publicized. ~~Within 72 hours of the conclusion of the election conducted pursuant to the previous paragraph, the Convener shall transmit to the Chair of This Committee various materials as detailed in the procedures governing the conduct of the Election Meeting, including but not limited to the sign in sheet listing the participants in the Election Meeting, the election results, the ballots, a copy of the list of the persons expressing willingness to assume district-level or other responsibilities and of the responsibility each person agreed to assume, and whatever dues are collected at the Election Meeting.~~

3) Failure by the Convener to return the materials referred to in the previous paragraph shall result in the withholding of that Convener's credential to, or ability to register for, any meeting of This Committee and its Executive Board for the remainder of the term, until such time as the Chair of This Committee certifies that the materials have been returned as required or upon the Chair's finding of good cause, waives same.

j. Assembly District Representatives to the State Executive Board:

(1) An Assembly District Representative to the State Executive Board shall be chosen at each Assembly District Election Meeting as follows: after the results are finalized, from among those persons who will be delegates (resident in the respective Assembly District) to the forthcoming biennial convention of This Committee by virtue of being a member of This Committee pursuant to Article II, Section 2b, 2d, 2e; Article II, Section 3; or Article II, Section 5. In the event that no qualified candidate is elected at an Assembly District Election Meeting, then the highest vote-getting candidate from among those who both won a seat as a delegate and had indicated their willingness to serve as the Executive Board representative at the time of the filing of their candidate application (for the purpose of this paragraph, "E-Board Candidates") for Assembly District Representative shall be provided the opportunity to serve as Executive Board Representative if that person so chooses. If that person declines to serve as Executive Board Representative, then the opportunity shall be offered to each E-Board candidate in the order of votes received. Any ties shall be resolved by methods provided in the ADEM Procedures. If all E-Board candidates decline the opportunity, then a caucus of those members of This Committee from the resident in the Assembly District as described above (except those elected by a county committee pursuant to Article II, section 4), shall meet at the next meeting of This Committee to elect an Assembly District Representative to the State Executive Board, who must be qualified under the same criteria as used for direct election at the Assembly District Election Meeting.

(2) In the event that an Assembly District has not been represented at

two successive meetings of the Executive Board, the Representative shall be subject to removal from the board upon notification of the Regional Director in whose region the Assembly District is contained.

- (3) In the event of a subsequent vacancy of the office of Assembly District Representative to the State Executive Board (either by operation of this subsection j(2) or otherwise), the Regional Director for the applicable Assembly District shall call a public meeting of the members of This Committee resident in the Assembly District, who shall fill the vacancy from among those persons enumerated in paragraph (1) of this subsection j. This meeting shall be called with at least 10 days notice to the members of This Committee resident in the Assembly District. For the purpose of this meeting only, a quorum shall be 5 (five) members of This Committee resident in the Assembly District. Once the vacancy is filled, the person who called the meeting to fill the vacancy shall notify, in writing, the State Chair of the Party of the selection made pursuant to this subdivision.

Part 2: revise Article XII, Section 2, (e), (1) to read:

ARTICLE XII: COMPLIANCE REVIEW COMMISSION AND CONDUCT COMMISSION

All appeals of decisions of the Compliance Review Commission subject to appeal must be received by the Secretary of This Committee, with copies to the Chair of This Committee, within twelve (12) days of the decision of the Compliance Review Commission. Upon receipt of an appeal, the Secretary shall notify the members of the Compliance Review Commission, the Chair of This Committee, and the prevailing parties of the receipt of an appeal. All responses shall be filed with the Secretary of This Committee with copies to the Chair of This Committee, the members of the Compliance Review Commission and the appellants, within 12 days of receipt of the appeal by the Secretary of This Committee.

Part 3: STRIKE Article XIII, Section 9 a and b and substitute as follows:

ARTICLE XIII: GENERAL POLICIES

Section 9. SECRET BALLOT AND VOTER'S RIGHT TO KNOW

a. The Democratic Party is committed to:

(1) the preservation of the right of the voter to a secret, secure, and counted ballot at the first determining step of the national delegate selection process,

(2) the voter's right to know how their representatives have voted.

b. Based upon Resolution of the DNC Rules Committee adopted on June 23, 1994 no vote by secret ballot may be taken at any meeting of any official Democratic Party body beyond the first determining step at which an individual Democrat expresses their personal and individual preference on an action that constitutes part of the delegate selection process for the Democratic National Convention.

EXHIBIT B

**AMENDMENT TO THE BYLAWS ALLOWING FOR MEETINGS OTHER
THAN IN PERSON DURING DECLARED EMERGENCIES**

ARTICLE V: STANDING COMMITTEES AND SPECIAL COMMITTEES

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Section 8: PROCEDURES FOR COMMITTEE PROCEEDINGS

Committee proceedings shall be governed by these bylaws, and when not in conflict therewith, such rules and procedures as may be adopted pursuant to the provisions of these bylaws. Any matter not covered by either these bylaws or said procedures shall be governed by the latest edition of Robert's Rules of Order.

- a. Standing Committees, sub-committees thereof, and/or any of its members, may meet in person, by telephone, or by other means of electronic communication.
 - b. **Except as may be otherwise allowed herein, in** ~~In~~ order for a Standing Committee, a sub-committee thereof, or any of its members to meet other than in person, the Chair of This Committee must:
 - (1) After considering the nature of the meeting, make a determination that allowing it to be conducted other than in person does not impose any undue burden, does not fundamentally alter the nature of the proceeding, and that the need for physical presence is not a paramount component of the meeting, so long as each member can speak and be heard by the other members,
 - (2) Provide at least seven (7) days notice to all interested persons that proceedings may be conducted other than in person, and
 - (3) Provide a means for all other interested persons to likewise attend, at least via "listen/view-only" mode.
 - c. **Except as may be otherwise allowed herein, rules** ~~Rules~~ allowing for meetings of standing committees and subcommittees other than in person, shall only apply to such meetings that are not concurrent with a Convention or Executive Board meetings of This Committee.
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ARTICLE VI: ASSEMBLY DISTRICTS AND ASSEMBLY DISTRICT ELECTION MEETINGS

Section 1. ASSEMBLY DISTRICT ELECTION MEETINGS

a. Except as may be otherwise allowed herein, regular Regular, biennial Assembly District Election Meetings shall be held within each Assembly District in the State:

ARTICLE VII: EXECUTIVE BOARD

* * *

Section 4. EXECUTIVE BOARD MEETINGS

a. Except as may be otherwise allowed herein,~~The~~the Executive Board . . .
.[continue with rest of subsection].

ARTICLE XII: COMPLIANCE REVIEW COMMISSION AND CONDUCT COMMISSION

* * *

Section 3. CONDUCT COMMISSION

a. COMPOSITION

The Conduct Commission shall consist of five (5) individuals, who need not be members of This Committee, but must be registered Democrats. Members shall include at least two (2) members who are experts in the prevention of sexual harassment and at least one (1) member who has substantial experience in representing complainants. The Conduct Commission may meet by telephone or other means of electronic communication.

ARTICLE XIV: ELECTRONIC NOTICE AND OTHER THAN IN-PERSON MEETINGS

* * *

Section 3. Other Than In-Person Meetings:

- a. It is the express preference of This Committee that meetings should, when possible, be held in person; however, notwithstanding any other provisions of these bylaws, the Chair of This Committee may, in the event of:
 - (1)the existence of official government orders prohibiting or limiting the gathering of persons, or,
 - (2)a finding of similarly extraordinary circumstances by the Chair of This Committee with the concurrence of 2/3rds of the State Officers of This Committee, as defined in Article III, Section 4, a,

allow for any meeting of This Committee or its constituent parts to be conducted, by appropriate remote communications technologies provided that the Chair of This Committee shall assure full and fair access to the meeting by the members of This Committee and all members of the Democratic Party consistent with the provisions of Article XIII of these bylaws and the Policy Statement By the Rules Committee of the California Democratic Party on the Open Meeting Rule. Any such determination shall be final.
- b. Nothing herein shall preclude the individual chairing/presiding at the meeting from using technology restricting the opportunity to speak to those recognized to speak.
- c. This Section is in addition to other sections of these bylaws allowing for Other Than In-Person Meetings.

EXHIBIT C

**Bylaw Amendments Adopted at the Rules Committee Meetings of
August 24, 2019 and November 15, 2019
to be Considered for Adoption at the
CDP's Executive Board Meeting held on July 26, 2020, Virtually via Zoom**

I. Adopted at the Rules Committee meeting held on August 24, 2019

PARTICIPATION BY THOSE INELIGIBLE TO REGISTER TO VOTE:

Amend Article II, Section 1.d as follows:

d. All members of This Committee must be of voting registration age and be either (i) duly registered members of the Democratic Party of California, or (ii) ineligible to register as Democrats, but have expressed an intent to register as a member of the California Democratic Party upon becoming eligible to do so.

Amend Article II, Sections 11.b as follows:

b. Any member who fails to pay the prescribed dues maybe removed from This Committee in the manner prescribed in Section 9 of this Article, except that payment of dues shall not be obligatory for any member who self-identifies and affirms in writing either they are (i) a person to whom ~~it~~ such a payment constitutes an economic hardship or (ii) someone who cannot make such a payment because of an objective impediment to the making thereof.

Amend Article II, Section 11.c as follows:

c. The failure to pay any uniformly imposed fee included in the registration materials for a meeting of This Committee shall preclude the member from being credentialed, but shall not be grounds for removal from membership, except that payment of fees shall not be obligatory for any member who self-identifies and affirms in writing either they are (i) a person to whom ~~it~~ such a payment constitutes an economic hardship or (ii) someone who cannot make such a payment because of an objective impediment to the making thereof.

II. Adopted at the Rules Committee meeting held on November 15, 2019

NUMBER OF EXECUTIVE BOARD MEETINGS:

The Executive Board shall convene in regular meetings at least ~~three~~ two times in each calendar year. year, or at least one time in each calendar year in which This Committee convenes more than once. Such

regular meetings shall be held at such time and place as the Executive Board may designate so long as no two consecutive meetings are held in the same county.

CYD AMBASSADORS

Article V: Section 3. Appointment of Members of Committees ***

a. Except as set forth herein below, The Chair of This Committee shall appoint from fifteen to thirty 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.

b. The Chair of This Committee may also appoint up to three (3) members of the California Young Democrats (CYD) to each Standing Committee to serve as nonvoting Ex Officio members, with right of voice. These Ex Officio members shall be known as "CYD Ambassadors". In the appointment of these CYD Ambassadors, the overall appointment of such members shall, in their total number, adhere to the Equal Division Rule.

**Compliance Review Commission
Procedural Rules
June 15, 2020**

**Compliance Review Commission
Procedural Rules
Promulgated and Adopted by the CDP Rules Committee
Pursuant to CDP Bylaws Article V, Section 5, b
June 15, 2020**

It is imperative to the effectiveness of the Compliance Review Commission (CRC) that it be transparent and that the parties understand their roles in it. To that end, the Rules Committee of the California Democratic Party (CDP), pursuant to Article V, Section 5, b, of the Bylaws of the CDP, hereby promulgates and adopts the following Procedural Rules of the CRC [NOTE: The italicized language below is contained in the CDP Bylaws]:

Section 1: Composition and Quorum; Meetings and Hearings

- A. *The Compliance Review Commission shall be composed of three (3) members of the Standing Committee on Credentials and three (3) members of the Standing Committee on Rules, as designated by the Chair of This Committee. The CRC is, and shall function as, a continuing body.*
- B. *A quorum shall be a majority of those persons. In the event of a vacancy, the quorum shall be a majority of the filled positions.*
- C. The CRC shall elect two (2) Co-Chairs, one from the Standing Committee on Credentials, and one from the Standing Committee on Rules who shall preliminarily determine jurisdiction for any appeal and shall assign the challenge to a member of the CRC from the Standing Committee determined to have appellate jurisdiction, to present the matter to the CRC and lead its deliberations.
- D. *The Compliance Review Commission may meet by telephone or other means of electronic communication.*
- E. Because of the need for timely action the CRC will ordinarily decide cases based on written testimony but it may, on rare occasion, and at its sole discretion, schedule and hear oral testimony, either in person, or via electronic means, if it decides oral testimony is needed to secure a just result.

Section 2: Jurisdiction

- A. *The Compliance Review Commission shall have initial jurisdiction over all challenges and/or appeals arising under the Bylaws of the California Democratic Party (CDP).*
- B. A person or the persons seeking redress from an action arising under the CDP By-laws [the Proponent(s)] must file a challenge and/or appeal that complies with Section 4 below. In addition, the challenge must contain plain, concise, and specific statements that:
1. Cites the section of the CDP Bylaws, or Roberts Rules of Order, alleged to have been violated,
 2. Explains the basis of CRC's jurisdiction,
 3. Explains the basis of the Proponent(s) Standing to bring the challenge.
 4. Contains a statement setting forth sufficient facts and supporting evidence, that if proven, by a preponderance of the evidence, would prove the violation alleged,
 5. Provides the facts and evidence that are required to establish jurisdiction and a violation; conjecture, or mere conclusions, are in contrast, insufficient.

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. [NOTE: Violations of another body's bylaws may fall under CDP Bylaws, Article XIII, Sections 1, 3, 5, 6, 7, and/or 9. In such cases, the sections of the organization's bylaws alleged to have been violated must be cited as well in order to establish CRC jurisdiction.]

Upon the failure to state jurisdiction as outlined in this section, the Proponent(s) of the challenge will be given a reasonable opportunity of not less than three (3) days, nor more than five (5) days, to correct the filing. Failure to adequately correct the filing within that time frame may result in dismissal of the challenge and/or appeal.

- C. The CRC does not hear "Statements of Charges" regarding removal from membership of a member of This Committee arising under Article II, Section 9. Such charges are under the direct jurisdiction of the Statewide Officers of This Committee.

- D. The CRC does not hear “Statements of Charges” filed against an Officer of this Committee under Article III, Section 6. Such charges are under the direct jurisdiction of the Executive Board of This Committee.
- E. *Challenges to the credentials of members initiated after the 42nd day prior to any meeting of This Committee or its Executive Board shall be processed by the Credentials Committee.*
1. The purpose of this rule is to allow for the orderly conduct of This Committee’s business, and, if necessary, the scheduling of remedial action during a time frame which allows for thoughtful decision making prior to depriving, even temporarily, the rights of members at the last minute prior to a meeting of This Committee or its Executive Board.
 2. By its terms, the CRC may not waive this time frame.
- F. *All other challenges initiated after the 42nd day prior to any meeting of This Committee or its Executive Board may either be heard and decided by the Compliance Review Commission or referred to either the Standing Committee on Credentials or the Standing Committee on Rules in the discretion of the Compliance Review Commission. Accordingly, challenges not affecting the credentials of members initiated after the 42nd day prior to a meeting of This Committee or its Executive Board may be heard by the CRC, or referred to the Rules or Credentials committee, upon a majority vote of the CRC.*
- G. *Challenges arising under Article VIII shall only be heard by the Compliance Review Commission if the challenge was made when the plenary session of This Committee was not in session. The Plenary Session of This Committee is the highest body of the CDP and the ultimate determiner of its Rules and Policies and as such decides any challenges made while it is in session.*
- H. *During the period 120 days prior to any Primary or General Partisan Election, the Compliance Review Commission may, upon written request by the Chair of This Committee, issue an Order of Temporary Suspension of Charter, for a period of thirty days, of any charter issued by This Committee, for alleged violation of any of the provisions of the CDP Bylaws, provided the request of the Chair of This Committee for suspension sets forth in writing the reasons therefore, and said request is served on the Chair of the Organization in question at his/her last known address of record on file with This*

Committee, the Secretary of This Committee, and the Chairs of the Rules, Credentials, and Organizational Development Committees of This Committee.

- I. *In the event of the issuance of an Order of Temporary Suspension of Charter, the Compliance Review Commission shall also issue an Order to Show Cause why the suspension should not become permanent and request written argument thereon be submitted to the Secretary of This Committee within ten days, after which the Compliance Review Commission may take action under Section 5 herein, including the issuance of an Order of Revocation of Charter or rescission of the Order of Temporary Suspension of Charter.*
- J. Except as otherwise provided in a CRC Decision limiting its own jurisdiction, or a Decision of the Rules Committee or Credentials Committee extending its jurisdiction, the CRC shall maintain jurisdiction over all of its decisions up until:
 1. The time for an appeal has passed and the report of the meeting of the Rules Committee or Credentials Committee at which a timely appeal would have been heard has been submitted to the Executive Board or to This Committee or,
 2. An appeal is heard by either the Credentials Committee or the Rules Committee of This Committee.

During this time of continuing jurisdiction, the CRC shall have the power and authority to modify, rehear, dismiss, or make other changes to its decision as may be necessary during that time period.

Section 3: Standing and Exhaustion of Remedies:

- A. *Any party to a challenge must be adversely affected to bring the challenge.*
- B. In order to present a challenge and/or appeal, Proponent(s) of a challenge must indicate how they are harmed by the act that is being challenged.
- C. Subordinate bodies must be allowed to carry out their functions without undue interference and be given an opportunity to correct their own errors. Accordingly, Proponent(s) of a challenge must indicate what local remedies

they understand are available and that they have either exhausted those local remedies, or can demonstrate that they are inadequate or futile. In evaluating whether a claim is properly before it, the CRC must determine that the Proponents of a challenge have exhausted all local remedies, (e.g., Appealing the Ruling of the Chair), where remedies exist and are appropriate, unless the CRC further determines that:

1. Based on the evidence presented, such remedies are inadequate, or
2. Requiring Exhaustion of Remedies would be:
 - a. Unduly burdensome,
 - b. Prejudicial, or cause unwarranted delay,
 - c. Futile, and/or
 - d. Counter to the interests of justice.

Section 4: Challenges and Responses

- A. *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.*
- B. Proponent(s) of a challenge must state the remedy requested. Upon the failure to state a requested remedy the Proponent(s) of the challenge will be first given a reasonable opportunity of not less than three (3) days, nor more than five (5) days, to correct the filing. Failure to adequately correct the filing within that time frame may result in dismissal of the challenge and/or appeal.
- C. Procedural Rules, the challenge must:
 1. State the name, address, telephone number, email address, and Assembly District of the Proponent(s) of a challenge, and, if more than one Proponent of a challenge is listed, identify a primary contact person responsible for managing the challenge who shall have authority to make any changes to the challenge or accept stipulation(s) on behalf of all the Proponents of the challenge.

2. Clearly set forth the factual basis for the challenge and provide a plain, concise, and specific statement of the alleged violation to afford all parties notice of what is being challenged and why.
3. Be in writing, in 12 point type, double spaced, not to exceed five (5) pages, to the Secretary of This Committee, and be served on the Chair of This Committee. Exhibits shall be limited to an additional ten (10) pages.
4. If bylaws of an organization are alleged to have been violated, provide an internet link to the full and complete text of the bylaws, with a citation to the provision in issue; full copies of bylaws need not be provided.
5. Video evidence, if any, is considered as supportive of the written allegations and therefore should be described in the text of the challenge, including who took the video, and the mark of time specifically indicating the portion of the video the proponent seeks consideration of.
6. No challenge shall be denied for merely being in the wrong font size, spacing, or page length, or other non-conformance with the provisions of this paragraph, without the Proponent(s) of the challenge having first been given a reasonable opportunity of not less than three (3) days, nor more than five (5) days, to correct the filing. The date of the original filing will govern as to the timeliness of any such amended filing.

D. The filing of a challenge with The Secretary of This Committee and service upon the Chair of This Committee may be effectuated via email. [NOTE: Proponent(s) of a challenge are advised to verify receipt of any challenge with Party Staff. Additionally, Article XIV of the CDP Bylaws governing Electronic Notice applies to CRC proceedings.]

E. Proponents of a challenge affecting the credentials of a member of This Committee holding membership by virtue of appointment under Article II, Section 3, must serve the member's appointor with a copy of the challenge.

F. Proponents of a challenge:

1. Affecting the credentials of a member of This Committee

holding membership by virtue of appointment under Article II, Section 4, or,

2. Concerning the actions of a County Central Committee,

must serve the Chair of the relevant County Central Committee with a copy of the challenge.

- G. Proponents of a challenge concerning the actions of any organization must serve the chair, president, or person of similar positional title of that organization with a copy of the challenge.
- H. Filing and service of a challenge must occur on or before the seventh day after the alleged violation occurred.
- I. In the event of a filing after the seventh (7th) day after the alleged violation occurred, the Proponent(s) must state, and the CRC must find by unanimous vote, good cause for waiving this requirement for the challenge to proceed. In the event such a finding is made, the facts constituting the basis for waiving the time frame for filing must be stated in the Decision of the CRC.
- J. Subsequent filings after the seventh (7th) day after the alleged violation occurred pertaining to a timely filed challenge, may be heard and relied upon by the CRC, in its discretion, upon a finding of good cause, including, but not limited to, such things as: the reason for the late filing, newly discovered evidence, or the best interests of the Party.
- K. In addition to the notice and service of challenges to the challenged parties by the Proponent(s) of the challenge, the Secretary of This Committee shall notify the challenged Parties of any such filing(s).
- L. Upon a determination that the challenge is properly filed, the CRC may set a deadline for submitting evidence in response to a challenge. Such a deadline shall generally be (twelve) 12 days after notification by the Secretary of This Committee to the challenged parties of the filing and service of the challenge, but shall not be less than five (5) days nor more than fifteen (15) days, after such notification.
- M. Proponents of a challenge may provide additional supporting evidence, in writing, provided the time for submitting evidence has not expired. However, if the time for submission of evidence has expired, the CRC may in its sole

discretion consider such late evidence in its discretion upon a finding of good cause, as noted above.

- N. Respondent parties may provide rebuttal testimony in writing (or orally if authorized by the CRC), provided:
1. Respondents state their name, address, telephone number, email address, and Assembly District.
 2. Respondents clearly set forth their factual basis of the rebuttal argument and provide a plain, concise, and specific statement:
 - a. As to whether or not jurisdiction is in dispute,
 - b. As to whether or not standing is in dispute, and,
 - c. Setting forth the rebuttal to the challenge so as to afford all parties notice of what is being refuted and why.
 3. The Response is in writing, in 12-point type, double spaced, not to exceed five (5) pages, served on the Secretary of This Committee and the Chair of This Committee. Exhibits shall be limited to an additional ten (10) pages.
 4. If bylaws of an organization are relied upon in rebuttal, an internet link to the full and complete text of the bylaws, with a citation to the provision in issue; full copies of bylaws need not be provided.
 5. Video evidence, if any, is considered as supportive of the written allegations and therefore should be described in the text of the challenge, including who took the video, and the mark of time specifically indicating the portion of the video the proponent seeks consideration of.
 6. No Response shall be rejected for merely being in the wrong font size, spacing, or page length, or other non-conformance with the provisions of this paragraph, without the Respondent to the challenge having first been given a reasonable opportunity of not less than three (3) days, nor more than five (5) days, to correct the filing. The date of the original filing will govern as to the

timeliness of any such amended filing.

Section 5: POWERS

- A. *The Compliance Review Commission shall have the power and authority to take such actions as are necessary to provide a fair and just remedy including, but not limited to, the holding of new elections.*
- B. Regardless of whatever remedy may be requested by the Proponent(s) of a challenge, CRC, as noted above, has the power and authority to take such actions as are necessary to provide a fair and just remedy including, but not limited to the holding of new elections and is not limited by the request, and may impose lesser or greater remedies than requested.
- C. If, upon review of the challenge of the Proponent(s), the CRC determines that even if all of the alleged facts were true the challenge would still be denied, it may do so without requesting responses. [Examples include but are not limited to: a challenge filed after the deadline without stating good cause; a challenge based on a provision CRC does not have initial jurisdiction over; and/or a challenge that does not state factual allegations constituting the alleged violation.]
- D. The Co-Chairs, if in agreement, or the CRC by majority vote, may:
 - 1. While still maintaining CRC jurisdiction, refer a matter back to the challenged party (e.g. - County Central Committee) for further proceedings or development of the record,
 - 2. While still maintaining CRC jurisdiction, refer a matter to another Standing Committee or a hearing officer in order to:
 - a. gather additional evidence,
 - b. attempt to reach a stipulated agreement for approval by the CRC, and/or,
 - c. make a recommendation to the CRC,
 - 3. Attempt to reach a stipulated agreement among the parties for approval by the CRC,
 - 4. Appoint a member, other person, Committee, or other body or group to monitor and/or enforce compliance with CRC Orders, with such powers and authority as may be necessary,

5. Dismiss or deny without requesting responses, any filing that they have determined:
 - a. that even if all of the alleged facts were true the challenge would still be denied or dismissed,
 - b. is frivolous or without merit,
 - c. is primarily meant to vex, annoy, or harass the respondent, and/or,
 - d. manifests an absence of:
 - (1) good faith in bringing, or,
 - (2) a substantive argument underlying,the challenge which makes requiring a response and hearing detrimental to the best interests of the Democratic Party as a whole;provided, however, that if any member of CRC requests the matter be heard, responses and a hearing will be scheduled.
6. Upon motion of an interested party supported by a showing that the challenger has a history of filing frivolous or vexatious claims, dismiss, without seeking testimony from the challenged parties, any challenge determined not to have a likelihood of success, filed by a proponent who has failed to prevail, in the determination of the Co-Chairs, or the CRC, in three (3) or more matters filed by the proponent, in the previous four (4) years,
7. Upon a finding of non-compliance with a CRC Order or Decision, by the Co-Chairs, issue an Interim Order suspending or denying representation to This Committee, including its Executive Board, subject to review by the CRC, or,
8. Upon a finding of non-compliance with a CRC Order or Decision, by the CRC, issue an Order, suspending or denying representation to This Committee, including its Executive Board, subject to appeal.

E. The date of the original filing will govern as to the timeliness of any such filing referred back to the Proponent(s) of a challenge, other Committee, or a Hearing Officer, for further action.

- F. County Central Committees are not subordinate units of the CDP; they are independent organizations established under separate legal authority, and the CRC's ability to penalize County Central Committees for violations is generally limited to denial of representation at meetings of This Committee, its Executive Board, and its subordinate bodies. The separate existence of County Central Committees and the limited authority of the CRC strongly mitigates in favor of deference to decisions of County Central Committees, including their interpretations of their own bylaws, even where the CRC does not agree with such decisions and, thus, any finding of a violation must be firmly based on:
1. A Bylaw or other rule of This Committee that is binding on the County Central Committee, or,
 2. Conduct by the County Central Committee that cannot be justified under its own reasonable construction of its Bylaws or other duly promulgated and noticed internal rules.
- G. In the case of a County Central Committee, one of the remedies requested by the Proponent of a challenge must be a request for denial of representation of that County Central Committee at meetings of This Committee, its Executive Board, and/or its subordinate bodies. Proponents of a challenge to the actions of a County Central Committee should be prepared to show why such a serious remedy is justified. No challenge shall be denied for merely failing to make such request without the Proponent(s) of the challenge having first been given a reasonable opportunity of not less than three (3) days, nor more than five (5) days, to correct the filing. The date of the original filing will govern as to the timeliness of any such amended filing.

Section 6: Deliberations and Decisions

- A. The CRC is bound by and adheres to the **“California Democratic Party – Open Meeting Rule Policy Statement - Policy Statement by the Rules Committee of the California Democratic Party on the Open Meeting Rule”**, adopted by the Rules Committee, July 14, 2018, and successor amended versions thereof.
- B. Pursuant to the Open Meeting Rule Policy Statement, Executive Sessions of the CRC may be held in matters involving:

1. Personnel Issues,
 2. Contract Issues,
 3. Litigation Issues,
 4. Campaign Strategy, and/or,
 5. Member Disciplinary and Other Proceedings Involving the Right to Privacy.
- C. Unless covered by an exception to the Open Meeting Rule Policy Statement, all filings with, and decisions of, the CRC are public documents and shall be made available on its web portal in “.pdf” format.
- D. Decisions of the CRC shall be made in writing, provided, however, that if:
1. A decision is made at a hearing where in person testimony or deliberation occurs, it may initially issue an oral decision, which shall be reduced to written form, or,
 2. It is found that based upon unusual and compelling circumstances, the best interests of the Party require otherwise; such unwritten decisions should be rare and not lightly decided upon, and must be concurred in by a unanimous decision of the CRC and with the approval of the Chair of This Committee.
- E. The drafting and editing of Decisions shall, in most cases, be conducted by CDP staff and it is not required to be done during a meeting of the CRC. Due to the nature of the decision-making process, votes of the CRC are preliminary until reduced to written decision. Based upon individual consultation with the members of the CRC, the written decision of the CRC prepared by staff, and signed on to individually by the members of the CRC, may vary from its preliminary decision.
- F. If, after submission for decision or deliberations, and during the drafting process, additional facts come to light, or the CRC finds it necessary to conduct additional investigations, hearings, or deliberations, to obtain additional evidence, or decide unresolved issues, it may do so, provided it notifies the parties of the action and the reasons underlying it. In such cases, the CRC shall allow for the submission of additional written testimony under

such terms and conditions as may be fair and just.

- G. Pursuant to Article XIII of the CDP Bylaws, no vote of the CRC shall be taken by secret ballot.
- H. Decisions shall be made based upon the preponderance of the evidence.
- I. Although certain violations, such as substantial failures to provide adequate notice or failure to provide meaningful opportunities to cast a ballot, may raise a presumption the outcome of an election or other decision was affected, Proponents of a challenge to an Assembly District Election Meeting or other election or decision must demonstrate by a preponderance of the evidence that there is a reasonable likelihood that the conduct and/or actions complained of made a difference in the outcome that would not have been present absent that conduct and/or action and that said conduct or actions resulted in an outcome adverse to the Proponent(s) of the challenge.
- J. The CRC may issue interim Orders to preserve:
 - 1. Evidence,
 - 2. The status quo, or,
 - 3. The ability to provide a meaningful remedy,pending issuance of a final decision of the CRC.
- K. Notice of CRC meetings to consider challenges and appeals shall be posted on the CDP web site at least seven (7) days prior to any such meeting, subject to the exceptions stated in the Open Meeting Rule Policy Statement.
- L. Members not having participated in deliberations, but having read any challenges or responses, may, none-the-less concur or dissent from the result, but may not change the result reached by the fully participating members of the CRC. Such concurrence or dissent shall be listed as “Concurring in (or dissenting from) decision, but not participating in deliberations or vote on result.”

Section 7: APPEAL

- A. *All appeals must be received by the Secretary of This Committee, with copies*

to the Chair of This Committee, within twelve (12) days of the decision of the Compliance Review Commission.

- B. Appellants must submit their appeal in writing, in 12-point type, double spaced, not to exceed five (5) pages, to the Secretary of This Committee. No Appeal shall be denied for merely being in the wrong font size, spacing, or page length, without the Appellant having first been given a reasonable opportunity of not less than three (3) days, nor more than five (5) days, to correct the filing. The date of the original filing will govern as to the timeliness of any such amended filing.

- B. The time frame for an Appeal is mandatory and may not be waived by the CRC.

- C. *Upon receipt of an appeal, the Secretary shall notify the members of the Compliance Review Commission, the Chair of This Committee, and the prevailing parties of the receipt of an appeal.* The Secretary shall also notify the Chair(s) of the Committee hearing the appeal.

- D. *All responses shall be filed with the Secretary of This Committee with copies to:*
 - 1. *the Chair of This Committee,*
 - 2. *the members of the Compliance Review Commission,*
 - 3. *the appellants, and,*
 - 4. *the Chair(s) of the Committee hearing the appeal,*

within 12 days of receipt of the appeal by the Secretary of This Committee.

- E. *The filing of an appeal shall not stay any decision of the Compliance Review Commission.* Accordingly, decisions of the CRC remain in effect, pending the outcome of any appeal and the CRC may continue to process and enforce its Orders.

- F. *With respect to challenges to the credentials of a member of This Committee or its Executive Board, appeal of an order of the Compliance Review Commission shall be to the Credentials Committee of This Committee.*

- G. *Appeals of all orders not affecting the credentials of a member of This Committee or its Executive Board shall be to the Rules Committee of This Committee.*
- H. The CRC shall determine whether a decision is subject to appeal and, if so, if it is an appeal to the Credentials Committee or to the Rules Committee in any order it issues.
- I. While the Rules Committee may not, on its own, set rules barring the members of the CRC from voting on Appeals in their respective Standing Committees, and still recognizing both that the participation of CRC's members in discussion of appeals may be vital to the decision-making of the Standing Committee sitting as an Appellate body and that, as an analogy, Federal Court of Appeals Judges participate in re-hearings on appeal to the full Court sitting en banc, the Rules Committee also recognizes that the casting of a vote on an appeal, by a CRC member in committee, can generate the appearance of a bias toward affirmation of the CRC's Decision, and therefore, the Rules Committee wishes to express its concern regarding, and discouragement of, CRC members voting on appeals, while still welcoming their opinion and discussion.