

**Compliance Review Commission  
Procedural Rules  
Updated June 2020**

**(Promulgated and Adopted by the CDP Rules Committee  
Pursuant to CDP Bylaws Article V, Section 5, b)**

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 42<sup>nd</sup> 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 (7<sup>th</sup>) 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 (7<sup>th</sup>) 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 rehearings 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.