

## MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: February 5, 2015

RE: **DECISION OF THE COMPLIANCE REVIEW COMMISSION RELATING TO A CHALLENGE TO THE 2015 ADEM MEETING FOR THE 27TH ASSEMBLY DISTRICT**

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### **Introduction:**

The Compliance Review Commission (“CRC”) of the California Democratic Party (“CDP”) has received a challenge to the Assembly District Election Meeting (“ADEM”) for the 27th Assembly District. A formal challenge was filed by Nora Campos, a registered Democrat of the 27<sup>th</sup> Assembly District.

The ADEM meeting was held on Saturday, January 10, 2015 and the challenge was received on January 16, 2015.

### **Timeliness and Jurisdiction:**

CDP Bylaws, Article XII, Section 2a provide that:

“The Compliance Review Commission shall have initial jurisdiction over all challenges and/or appeals arising under Article II (Membership); Article VI (Assembly Districts and Assembly District Election Meetings); Article VII (Executive Board), Article VIII (Endorsements, etc.), Article X (Charters) and Article XIII (General Policies). The Compliance Review Commission shall have jurisdiction to hear and decide any challenge that is initiated before the 42nd day prior to any meeting of This Committee or its Executive Board.”

(All Bylaw references are to the California Democratic Party Bylaws, unless otherwise indicated.)

The next meeting of the State Central Committee or its Executive Board is no earlier than May 15, 2015. As the challenge was filed with the Secretary of the CDP well in excess of 42 days prior to May 15, 2015, the challenge is deemed timely. The CRC

has jurisdiction, as the challenge was timely and involved disputes under Article II and Article VI.

Interested persons have been informed of the challenge and have been given an opportunity to respond. Responses were received from Jasraj Bhatia, Khanh Tran, Jonathan M Padilla, and Jim Beall.

### **Standing:**

CDP Bylaws, Article XII, Section 4 provide that:

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

As the challenger was an eligible voter in the 27<sup>th</sup> Assembly District and participated in the ADEM election, she is impacted by the proper conduct of the 27<sup>th</sup> ADEM and its resulting successful candidates.

### **Issues Presented:**

There are two main allegations the challengers presented:

1. Some participants were not registered in AD27 including an “unusual spike” of voters who were “clearly not registered” in AD27.
2. Voters listed an AD27 household as their registration address, but do not live in AD27.

Testimony submitted by Jasraj Bhatia, an ADEM candidate, claims that voters were “just grabbing ballots from table” [sic] and a “voter pulled a large stack of already marked ballots from her jacket and dropped in the box.”

### **Findings of Fact:**

CDP Bylaws, Article VI, Section 1.a.(2) provide that:

- (2) Persons eligible to participate shall be all registered Democrats residing in the Assembly District 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 the day of the Election Meeting of a legally valid voter registration form showing a

residence within the Assembly District shall constitute prima facie evidence of eligibility to participate.

The Affidavit of Voting Results showed that 303 voters participated in the meeting. State Party staff reviewed and confirmed receiving 303 sign-in envelopes from the Convener.

The Affidavit of Voting Results showed that 303 ballots were cast. State Party staff confirmed the number of ballots and found 301 valid ballots, and 2 invalid ballots for a total of 303 ballots cast.

The CDP's Procedures for Assembly District Election Meetings, 2015 edition, provides that:

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A internet-connected laptop computer or smartphone to check registrations for challenged participants using the online voter-file system access provided by the CDP. Prior to the day of the caucus, the Convener, or their designee, should become familiar with how to access and use the online lookup and insure its proper operation. Onsite internet access should be verified prior to the meeting as well.

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The registration check should only be performed for those participants who are themselves unsure or are challenged as to their eligibility. It is not proper to check all participants, especially when such a process would cause long lines in the check in process. If, in the Convener's opinion, one person or group of persons are unduly delaying the registration process by frequent challenges, the Convener may cut off further challenges by that person or group of persons. Before taking this action, the Convener is encouraged, but not required, to call the CDP office for consultation.

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However, if there is a question about a person's registration, the voter file access provided by the CDP should be consulted. If the voter file information is not conclusive or is not available, the CDP should be called, 916-442-5707. If that does not resolve the challenge, then the participant should be given a provisional ballot, and the ballot should be placed inside one of the provisional ballot envelopes, the outside of

which shall have the challenged participant's name, residence address, birthdate, contact phone number, signature, and e-mail address (optional). The Convener should act to prevent blanket challenges to all registrants. The registration check system is to be used only where a legitimate question is raised as to the person's eligibility.

The CRC found unanimously that:

- 1) The challenger failed to provide any specific challenges; and
- 2) The challenger failed to exhaust all remedies at the time of the meeting.

**The challenger failed to provide any specific challenges**

In the testimony that was submitted to the CRC, there were general allegations made, however no specific challenge to any voters that participated in the election was ever submitted.

**The challenger failed to exhaust all remedies at the time of the meeting**

According to the procedures being used for the meeting, "The registration check should only be performed for those participants who are themselves unsure or are challenged as to their eligibility." The CRC finds that the challenger failed to exhaust the administration remedies since the challenger did not request a registration check on any specific individual onsite at the time the meeting took place.

With the testimony provided, the CRC finds no evidence that the election was improperly conducted.

**Order:**

Based upon all of the above facts, the Bylaws of the CDP and the Procedures for the Assembly District Election Meetings, the CRC unanimously denies the challenge of Nora Campos and orders certified the election results for the 27<sup>th</sup> Assembly District.

**Appeal:**

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. (Article XII, section 7(a).) Thus, any appeal must be filed on or before February 17, 2015 with the Sacramento office of the California Democratic

Party, and shall be an appeal to the CDP Credentials Committee at the CDP meeting in Convention in Sacramento, to be heard at their May 15, 2015 meeting, or as soon thereafter as is practical. Please note though that the filing of an appeal shall not stay any decision of the CRC.

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

Kathy Bowler, Member, Rules Committee

Lois Hill, Co-Chair, Credentials Committee

Coby King, Co-Chair, Rules Committee

Lara Larramendi, Co-Lead Chair, Credentials Committee

Garry S. Shay, Lead Chair, Rules Committee

Michael Wagaman, Co-Lead Chair, Credentials Committee