

TO: Rules Committee, California Democratic Party
FR: Sub-Committee on Caucus Definition and Standards for Continued Certification; Donna Patterson (S/Chair), Chui, Huffman, Thurber and Zakson.
DA: May 1, 2010
RE: Revised Recommended Proposal for Bylaws Amendment Regarding Caucus Definitions and Certification and Proposed Guidelines Regarding Certification, Re-certification, and Decertification of Caucuses

DELETE: Article IV, Section 10.

ADD: New Article XI, renumber succeeding Articles, and all cross-references thereto, including the Table of Contents, accordingly:

Article XI SPECIAL GROUP CAUCUSES

Section 1. Definition – A caucus is a statewide organization:

- A. consisting of Caucus Sponsors, who are members of the Caucus and of This Committee, constituting at least one percent (1%) of the full membership of This Committee, who share demographic or similar identity pertaining to their individual status, not merely a concern about an issue or cause,
- B. which extends membership and full voting rights to all registered Democrats who meet the membership requirements of such Caucus,
- C. which has been found to be in compliance with the requirements noted herein and has also been found to meet the Guidelines for Certification for Re-Certification of Caucuses referred to below, based on a review of the application and investigation by the Rules Committee, whose findings shall be conclusive unless reversed by a majority of the Executive Board,
- D. which has been recommended for certification by the Rules Committee and has been certified by the Executive Board of This Committee in order to carry out the Purposes noted herein,
- E. whose Chair is a member of This Committee, and by virtue of the Caucus being certified, shall be a member of the Executive Board of This Committee, and
- F. if not initially certified prior to 1/1/10, the Caucus' Sponsors are DSCC members, who represent:
 1. a demographic, or similar identity pertaining to their individual status, which is immutable, not merely a concern about an issue or cause; and
 2. a significant demographic which has been historically under-represented, or currently is under-represented, in Democratic Party affairs.

Section 2. Purpose – The purpose of a caucus is to:

- A. participate in the policy decisions of the Party;
- B. encourage participation, within the Caucus' community of interest, in the outreach programs of the Party, including such things as This Committee's efforts at Voter Registration and Get Out the Vote activities;
- C. promulgate and implement a Statement of Purpose and Intended Activity, aimed at expanding and strengthening the Party, subject to approval by the Rules Committee; and,

- D. make the Party more welcoming and more relevant to members of the public, the electorate, and This Committee, who identify with the goals of the Caucus.

Section 3. Guidelines for Certification, Re-Certification, and Decertification of Caucuses – The Rules Committee shall promulgate Guidelines for Certification, Re-Certification, and Decertification of Caucuses which shall include the process and conditions necessary to certify, re-certify, or decertify a caucus.

Section 4. Certification / Re-certification – Certification, and re-certification, shall be subject to the following provisions:

- A. Form of Application – All organizations desiring to be certified, or re-certified, by This Committee as a caucus shall make application for such certification in writing on a form obtained from the Secretary of This Committee.
- B. Submission of Application – Application for Caucus Certification, or Re-certification must be submitted to the Rules Committee of This Committee within thirty (30) days after the first meeting of the Convention of This Committee in the year in which the Caucus is intended to be re-certified or initially certified. No application submitted outside that time-frame shall be considered.
- C. Contents of Application – The application shall contain such information as may be required by the Rules Committee.
- D. Finding of Compliance with Guidelines Required – A specific finding of compliance with the Guidelines for Certification, Re-Certification, and Decertification of Caucuses by the Executive Board of This Committee, after recommendation by the Rules Committee, is required to certify or re-certify a caucus. In the event the Rules Committee should make a finding of non-compliance with the Guidelines, it shall report a recommendation to reject the Caucus' application for Certification or Re-Certification, specifically noting the grounds and basis for its decision. A majority of the Executive Board of This Committee may, in its discretion, overturn such recommendation, provided it first makes specific findings that the Rules Committee was incorrect in each of its findings that formed the basis of its recommendation to reject, or that all such defects have been remedied.

Section 5. Term of Certification – Official Certification of a Caucus shall extend through the second meeting of the Executive Board of This Committee held following the:

- A. Next regular general election, or until revoked for cause as set forth herein, for all initial certifications, and,
- B. Next regular general Presidential election, or until revoked for cause as set forth herein, for all re-certifications.

Section 6. Decertification – After notice and an opportunity to be heard, and upon a finding by the Rules Committee of a certified caucus to have failed to maintain compliance with the above, the Executive Board of This Committee may decertify a Caucus by majority vote. In the event the Rules Committee should make a finding of non-compliance with the Guidelines, it shall report a recommendation to de-certify the Caucus specifically noting the grounds and basis for its decision. Such recommendation may only be overturned by the Executive Board of This Committee, by majority vote, provided it makes specific findings that the Rules Committee was incorrect in each of its findings that formed the basis of its recommendation to reject, or that all such defects have been remedied.

**Proposed Guidelines for
Certification, and Re-Certification,
of Caucuses**

(Italicized Language is in the Proposed Amendment to CDP Bylaws)

Section 1. Definition – A caucus is a statewide organization:

- A. consisting of Caucus Sponsors, who are members of the Caucus and of This Committee, constituting at least one percent (1%) of the full membership of This Committee, who share demographic or similar identity pertaining to their individual status, not merely a concern about an issue or cause,*
- B. which extends membership and full voting rights to all registered Democrats who meet the membership requirements of such Caucus,*
- C. which has been found to be in compliance with the requirements noted herein and has also been found to meet the Guidelines for Certification for Re-Certification of Caucuses referred to below, based on a review of the application and investigation by the Rules Committee, whose findings shall be conclusive unless reversed by a majority of the Executive Board,*
- D. which has been recommended for certification by the Rules Committee and has been certified by the Executive Board of This Committee in order to carry out the Purposes noted herein,*
- E. whose Chair is a member of This Committee, and by virtue of the Caucus being certified, shall be a member of the Executive Board of This Committee, and*
- F. if not initially certified prior to 1/1/10, the Caucus' Sponsors are DSCC members, who represent:*
 - 1. a demographic, or similar identity pertaining to their individual status, which is immutable, not merely a concern about an issue or cause; and*
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- C. promulgate and implement a Statement of Purpose and Intended Activity, aimed at expanding and strengthening the Party, subject to approval by the Rules Committee; and,*
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- B. Submission of Application – Application for Caucus Certification, or Re-certification must be submitted to the Rules Committee of This Committee within thirty (30) days after the first meeting of the Convention of This Committee in the year in which the Caucus is intended to be re-certified or initially certified. No application submitted outside that time-frame shall be considered.*
- C. Contents of Application – An Application for Caucus Certification or Re-certification shall contain:*
 - 1. A Declaration containing the signatures of Caucus Sponsors consisting of at least one percent (1%) of the full membership of This Committee with each person on such Declaration affirming by signature support for the official recognition of such a Caucus and further affirming that he or she shares the demographic or similar identity which defines the Caucus.*
 - 2. A Statement clearly identifying the demographic or similar identity pertaining to their individual status of the members of the Caucus Sponsors.*
 - 3. A complete “Roster of Members” containing the names, addresses, and phone numbers of all its members, and where appropriate, their email addresses, additionally noting whether a particular member holds an office in the Caucus and/or has organizational responsibility for a particular activity,*
 - 4. A written certificate signed by the Chair and one additional officer of the Caucus, certifying that each of its members has indicated and affirmed they are a registered Democrat,*
 - 5. A current editable electronic copy of the Bylaws of the Caucus, certified by the Chair and Secretary of the Caucus to be a true and correct copy thereof.*
 - 6. A Bylaws Review Check form, which has been promulgated by the Rules Committee, and signed-off on by a Chair of the Rules Committee who has been previously designated by the Rules Committee to review the Caucus’ Bylaws, recommending that the Bylaws of the Caucus minimally be found to:*
 - a. Be consistent with the By-Laws of This Committee;*
 - b. Provide membership and full voting rights to all registered Democrats who meet the membership requirements of such Caucus By-Laws;*
 - c. Provide that the Chair of the Caucus must be a member of This Committee and shall be the Caucus’ representative to the Executive Board of This Committee;*
 - d. Prohibit unauthorized endorsements;*
 - e. Be consistent with the Rules Committee’s Policy Statement on the Open*

Meeting Rule, particularly with regard to:

- 1) Providing that the public meetings of the Caucus are open to all registered Democrats; and,
 - 2) Providing for timely Notice of Agendas and Meetings;
- f. Delineate whether and when secret ballots may or may not be utilized, in a manner consistent with Article XII, Section 9 of the Bylaws of the California Democratic Party and Article Nine, Section 12 of the Charter of the Democratic Party of the United States of America;
- g. Utilize a method of notification in a manner consistent with the policies of This Committee;
- h. Provide for full and timely publication of any selection procedures and qualification; and,
- i. Recognize the obligations of the Caucus under the General Provisions of the By-Laws of This Committee.
7. The names, addresses, phone numbers, and, where appropriate, their email addresses, of the Caucus' officers which shall include as a minimum a Chair, a Secretary, and a Treasurer, and which the Caucus shall agree to keep current and advise the Secretary of This Committee of any changes therein.
8. A Statement of Purpose and Intended Activity, and means of effectuating same, as well as the self-promulgated objective measurable standards by which the Caucus shall evaluate its success each year. Decertification of a Caucus shall not be based on mere failure to meet such standards.
9. An Agreement that the Caucus shall provide the Secretary of This Committee and the Chair(s) of the Rules Committee the following (in electronic editable form where appropriate):
- a. a written report on the Caucus' activities and progress towards fulfillment of the Caucus' Statement of Purpose and Intended Activity, as evidenced through objective measures or standards, on an annual basis, no later than February 7th of each year;
 - b. a complete "Roster of Members" containing the names, addresses, phone numbers, and where appropriate, their email addresses, of all its members, noting whether a particular member has organizational responsibility for a particular activity, on an annual basis, no later than February 7th of each year. Copies of all reports shall be distributed to the members of the Rules Committee no later than February 22nd of each year;
 - c. at least ten (10) days written or electronic notice of any and all of its meetings, both regular and special;
 - d. a statement that the caucus shall neither raise nor disburse funds other than nominal dues, and standard or routine costs of regular meetings (such as postage, and other costs associated with notice, as well as the cost of meeting rooms), which shall be promptly accounted for and processed according to rules promulgated by the Finance Committee, which shall also be reflected in the Caucus' Bylaws;
 - e. copies of any amendments to the Bylaws of the Caucus adopted after certification, within ten (10) days of their adoption; and,
 - f. proof of the Caucus' continued adherence to and compliance with the findings of the Rules Committee as set forth in Article XI of the Bylaws of

This Committee, if requested by them.

Section 5. *Finding of Compliance with Guidelines Required – A specific finding of compliance with the Guidelines for Certification, Re-Certification, and Decertification of Caucuses by the Executive Board of This Committee, after recommendation by the Rules Committee, is required to certify or re-certify a caucus. In the event the Rules Committee should make a finding of non-compliance with the Guidelines, it shall report a recommendation to reject the Caucus' application for Certification or Re-Certification, specifically noting the grounds and basis for its decision. A majority of the Executive Board of This Committee may, in its discretion, overturn such recommendation, provided it first makes specific findings that the Rules Committee was incorrect in each of its findings that formed the basis of its recommendation to reject, or that all such defects have been remedied. As a condition precedent to recommending certification or re-certification, the Rules Committee must specifically make the following findings, or in the case of a recommendation to not certify or re-certify a caucus, the Rules Committee shall specifically report what findings it based its denial on:*

- A. The Organization has complied with all requirements of Article XI of the CDP Bylaws.
- B. That there are no existing organizations representing or sharing substantially similar interests, or serving the same or similar purposes, either as a Chartered Statewide Organization under Article X of these Bylaws or as a Caucus currently certified by This Committee;
- C. Whether or not the Caucus has been previously certified;
- D. *If not initially certified prior to 1/1/10, the Caucus' Sponsors are DSCC members, who represent:*
 - 1. *a demographic, or similar identity pertaining to their individual status, which is immutable, not merely a concern about an issue or cause; and*
 - 2. *a significant demographic which has been historically under-represented, or currently is under-represented, in Democratic Party affairs.*
- D. If the Caucus has not been previously certified, that the following apply:
 - 1. Existing Caucus Chairs have been notified of the pendency of an Application for Caucus Certification at least (30) thirty days prior to consideration of the Application; and,
 - 2. The proposed caucus has provided an explanation, determined to have been reasonable, as to why Chartering as a Statewide Organization under Article X of these Bylaws, would not be a more appropriate course of action;
- E. That the Caucus has complied with the provisions of Section 3 above.
- F. That an opportunity to submit oral and/or written testimony as to whether or not certification should be granted has been extended to the members of This Committee and that Caucus Sponsors have been provided a similar invitation to submit oral and/or written rebuttal thereto;
- G. That the Caucus Sponsors exhibit a demonstrated commitment to inclusion and have a

clear history of dedication to Democratic Party principles and practices, and intend to maintain said qualities in all of their activities;

- H. That the Caucus has as its objective the advancement of the Democratic Party; and,
- I. That the decision to recommend certifying the Caucus would be in the overall best interests of the Party.

Section 6. Competing Applications of the Same or Substantially Similar Demographic – In the event competing applications for Caucus Certification representing the same or substantially similar demographic are presented, weight shall be given to the number and geographic distribution of members in the organization and to the scope of the plan for political organizing and activity, with emphasis on voter registration, voter turn-out activities, promotion of candidates, and such other factors that promote the interests of the Democratic Party and the election of Democrats. The Rules Committee shall attempt to facilitate the merger of such competing groups. In applying this Guideline, it is the specific finding of the Rules Committee that no Caucus initially certified prior to 1/1/10 has the same or substantially similar demographic as any other caucus initially certified prior to 1/1/10.

Section 7. *Term of Certification – Official Certification of a Caucus shall extend through the second meeting of the Executive Board of This Committee held following the:*

- A. *Next regular general election, or until revoked for cause as set forth herein, for all initial certifications, and,*
- B. *Next regular general Presidential election, or until revoked for cause as set forth herein, for all re-certifications.*

Section 8. *Decertification – After notice and an opportunity to be heard, and upon a finding by the Rules Committee of a certified caucus to have failed to maintain compliance with the above, the Executive Board of This Committee may decertify a Caucus by majority vote. In the event the Rules Committee should make a finding of non-compliance with the Guidelines, it shall report a recommendation to de-certify the Caucus specifically noting the grounds and basis for its decision. Such recommendation may only be overturned by the Executive Board of This Committee, by majority vote, provided it makes specific findings that the Rules Committee was incorrect in each of its findings that formed the basis of its recommendation to reject, or that all such defects have been remedied. Decertification of a Caucus shall not be based on mere failure to meet its self-promulgated measurable objective standards referred to in Section 3, C, 8 above.*