

RULES AND LEGAL COMMITTEE
AGENDA

Thursday, April 22, 2021

Comments shall be limited to one per person per agenda item and two minutes per speaker unless the Committee affirmatively otherwise requests. Questions from committee members shall not count against a speaker's time limit.

1. Call Meeting to Order
2. Approval of the Agenda
3. Proposed Recommendation of Rules & Legal Committee on Procedures for Imposing Sanctions for Endorsement of Non-Democrats
4. Public Hearing on Endorsement of Non-Democrats, Including Proposed Recommendation
 - Open Public Hearing and Take Testimony
 - Entertain Motion to Close Public Hearing
5. Proposed Amendment to Article IX re Procedures for Removal
6. Proposed Amendment to Correct lettering of new Article II.E and the cross-references to subparts of thereof from II.F to II. E
7. Proposed Amendment re Voting Rights of Members
8. Motion to Defer Revision of Work Plan to May Meeting
9. Scheduling of Next Meeting
10. Adjourn

Next Meeting Scheduled for May 18, 2021 at 7:00PM

Amend Article IX., Section D.1 as follows:

ARTICLE IX. MEETINGS

Section D. PROCEDURES

1. RULES OF PROCEDURE

- a. Except as otherwise provided herein or in applicable rules or By-Laws of the Democratic National Committee or California Democratic Party, the proceedings of This Committee, and of the Policy Committee, shall be governed by (~~a~~ i) any special rules of order adopted by This Committee for a specific meeting provided that such special rules of order were first adopted by the Policy Committee and included in the meeting notice and (~~b~~ ii), to the extent consistent with such special rules of order, the latest edition of Robert's Rules of Order, Newly Revised ("Robert's Rules of Order").
- b. Presiding officers at all meetings of This Committee and its subordinate bodies shall have the authority to maintain order, including the authority to remove members, which shall be subject to an immediate appeal of the ruling of the presiding officer to the full body at which the conduct warranting the removal assertedly took place. Such appeal shall not require any motion or other lodging and shall become the order of the business on the floor as a matter of course. The regular order of business shall immediately be resumed upon the disposition of the appeal. Other ~~R~~ rules of procedure for Standing and special Committees, Regions and Assembly Districts Delegations may be made by those bodies provided they do not conflict with rules set forth in these Constitution and By-Laws, including Article VII.C.4.

RECOMMENDATION OF THE RULES & LEGAL COMMITTEE
CONCERNING THE ADOPTION OF PROCEDURAL RULES FOR
IMPOSITION OF DISCIPLINE
UNDER ARTICLE II, SECTION C.4.a(i)

The Rules & Legal Committee recommends that the Policy Committee adopt these procedural rules.

PROCEDURAL RULES FOR IMPOSITION OF DISCIPLINE
UNDER ARTICLE II, SECTION C.4.a(i)

1. One of the purposes of This Committee, as an organ of the Democratic Party, is to elect Democrats to public office. On occasion, officeholders and other members of This Committee, particularly those who live in or represent areas where Democrats have difficulty electing persons whose Party Preference is Democratic to public office, find it convenient or expedient to endorse persons who are not registered to vote with a Party Preference for the Democratic Party. Under Article II, Section C.4.a(i), the “support of a candidate” for public office who is not a Democrat is grounds for removal. Accusations of such support are “complaints” under Article VII, Section A.2 and are to be heard and resolved by the Policy Committee. The Policy Committee’s disposition of such complaints has lacked a uniformity and regularity that should attend complaints of the seriousness as violations of Article II, Section C.4.a(i). The purpose of these procedural rules is to bring about that uniformity and regularity.
2. Prerequisites to Submission of a Complaint of a Violation of Article II, Section C.4.a(i) to the Policy Committee for Resolution
 - a. Any complaint of a violation of Article II, Section C.4.a(i) shall be submitted in writing to the Chair and Secretary of This Committee. In the event of either of these officers being the person charged, the complaint may be submitted to any other County-wide officer(s) in lieu of the charged officer(s).
 - b. Any complaint shall be accompanied by any evidence in support of the complaint. Such evidence shall not exceed 10 pages without leave of the officers to whom the complaint is submitted.
 - c. The failure of the complaint to comply with the requirement of the second sentence of Section 2.b of this Procedure shall not be grounds for invalidating or delaying the resolution of the complaint.
 - d. Upon determining that the complaint is in writing, clearly identifies the person alleged to have violated Article II, Section C.4.a(i) and sufficiently specifies the basis of the violation to allow the Policy Committee to debate and resolve the issue, the Chair (or if the Chair is the person charged, the next highest ranking officer of This Committee) shall cause the complaint to be noticed for resolution at the next regular meeting of The Policy Committee which allows for all interested parties to receive the notice required by the Constitution and Bylaws, including Article II, Section C.4.b. If, in the opinion of the Chair and Secretary (or other officers as provided hereunder), the matter requires the convening of a special meeting, the complaint shall be noticed for a special meeting as soon as practicable after giving the required notice.

- e. Any notice of meeting, including a special meeting, to consider a complaint under these procedural rules shall include a copy of these procedural rules.
3. Hearing on Complaints
- a. The charging party and charged member shall each receive a reasonable opportunity to present evidence in support of or in opposition to complaint, which may include such aggravating or mitigating circumstances as they may deem appropriate. Such opportunity shall presumptively be 10 minutes per side, but may be altered by written order upon written motion to the Chair and Secretary (or other officers as provided hereunder).
 - b. Questions from members of the Policy Committee to witnesses or the interested parties shall not count against a party's time for presentation of evidence.
4. Resolution of Complaint
- a. Article VII, Section A.2 gives the Policy Committee wide discretion to resolve complaints. Article II, Section C.4.a(i) makes termination one of the available remedies. Given its severity, the Policy Committee should exercise its discretion against the imposition of termination as a sanction except where the violation is manifestly knowing and the imposition of a lesser penalty inappropriate to the gravity of the offense.
 - b. In resolving the complaint, the Policy Committee should consider all mitigating and aggravating circumstance---including, in particular, the evidence that a violation is knowing and deliberate--and should also, as a prerequisite to imposing a penalty of termination, consider all alternatives to termination, including private reproof, public censure, suspension of voting rights for a time certain, removal from committee or other appointed positions, barring the individual from attending meetings of This Committee and/or such other remedies as may be appropriate under the circumstances. To that end, termination for a first offense shall be considered an extraordinary remedy.
 - c. The Chair or other presiding officer shall propose, and the Policy Committee shall adopt, a public statement of the disposition of the complaint which shall be read into the minutes of the meeting of both the Policy Committee and This Committee. The public statement of disposition shall be read in its entirety at the next meeting of This Committee and shall be otherwise disseminated as the Policy Committee deems appropriate.

Mr. Shay has proposed the following addition to the bylaws:

ARTICLE II. MEMBERSHIP

Section A. TYPES OF MEMBERS There are five (5) types of members of This Committee: Elected Members, Appointed Members, Ex-Officio Members (all of which are classified as "Regular Members"), Alternate Members, and Associate Members. Their rights and duties are as specified within.

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4. Regular Members

a. A Regular Member is any Elected, Appointed or Ex-Officio Member of This Committee.

b. Any Regular Member who wishes to exercise membership rights including the right to appoint an Alternate Member must meet the dues requirement of This Committee.

c. A Regular Member is a member of the Assembly District Delegation and Region for the Assembly District in which she/he resides.

d. A Regular Member shall have the right of vote, voice, and motion at all meetings of This Committee, and its subordinate bodies, except as otherwise specifically provided in Article XI.

5. Alternate Members

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d. An Alternate Member has right of voice and motion at meetings of This Committee even if the Appointing Member is present but may vote only in the absence of that member, except as otherwise specifically provided in Article XI. An Alternate Member may serve on a standing or special committee with a Regular Member; may serve as a representative of This Committee to the State Committee or its Executive Board, provided all Regular Members who are candidates for representative are first given the opportunity to be elected; but may not be elected or appointed to serve as an officer of This Committee.