

**RULES AND REGULATIONS OF THE DEMOCRATIC PARTY
OF THE COUNTY OF NEW YORK**
(Proposed September 28, 1995)

ARTICLE I: ORGANIZATION

1. *Membership.* The Democratic Party of the County of New York (hereinafter sometimes called the "Party") shall consist of all the residents of New York County enrolled as members of the Party.
2. *Committees.* The affairs of the Party shall be entrusted to, and conducted by, the following representative committees, each of which shall be constituted and governed as hereinafter provided in these Rules and Regulations.
 - (a) *County Committee.* The County Committee of the Democratic Party of the County of New York (hereinafter called the "County Committee");
 - (b) *Executive Committee.* The Executive Committee of the Democratic Party of the County of New York (hereinafter called the "Executive Committee");
 - (c) *District Committees.* There shall be district committees for each of the following political districts within the County of New York: Congress, State Senate, Assembly, City Council and Civil Court (where the District is smaller than the County). There shall also be a Divisional Assembly District Committee for each Assembly District part in the County of New York. As used in these Rules and Regulations, the term "Divisional Assembly District Committee" shall also include an Assembly District Committee when the Assembly District is not divided into parts. These committees shall consist of all members of the County Committee and district leaders elected from the respective districts;
 - (d) *Subcommittees.* The standing subcommittees of the County Committee and the Executive Committee referred to in these Rules and Regulations, and such other subcommittees of the County Committee or the Executive Committee as may from time to time be established pursuant to these Rules and Regulations.

ARTICLE II: COUNTY COMMITTEE

1. *Membership.* The County Committee shall be constituted by the election biennially in each Election District in the County of New York, at the Primary Election held in each odd-numbered year, of two members of the County Committee plus an additional member if 300 or more votes and less than 451 votes were cast in such Election District for governor under the Party emblem at the last preceding gubernatorial election, and an additional member if 451 or more votes were cast in such Election District at said time. However, no more than four (4) members of the County Committee shall be elected from any Election District. If the boundaries of such Election District have been created or changed since the last preceding gubernatorial election then the above formula shall apply based on the votes cast for member of Assembly under the party emblem at the last preceding General Election. If the boundaries of such Election District have been created or changed since the last preceding General Election at which members of Assembly were elected then the above formula shall apply based on that percentage of the number of persons enrolled in the Party in such Election District on the list of enrolled voters last published by the Board of Elections which the total vote cast in the County for governor under the Party emblem at the last preceding gubernatorial election bore to the total Party enrollment in the County on the list of enrolled voters last published by the Board of Elections.
2. *Vacancies.* A vacancy in the membership of the County Committee existing at the time of any meeting thereof shall be filled at said meeting by the remaining members of the County

Committee, upon the recommendation of the District Leaders of the Assembly District part containing the Election District in which such vacancy shall exist. Any vacancy not filled at a meeting of the County Committee may be filled before or after such meeting by the members of the Divisional Assembly District Committee in which such vacancy shall occur, and a certificate of election containing the name and address of the person elected to fill that vacancy, together with a copy of the minutes of the meeting at which such person was elected shall be filed with the Secretary of the County Committee (or a person designated by the Secretary to receive such certificates or minutes) by the Chairperson of such Divisional Assembly District Committee. A person elected to fill a vacancy in the County Committee shall be an enrolled member of the Party qualified for election from the Election District in which such vacancy shall exist.

3. **Removal.** Any member or officer of the County Committee may be removed from such office or membership for good cause shown, by a two-thirds vote of the Executive Committee after a hearing on written notice specifying the charges. Any member or officer of the County Committee may be suspended by the Committee on Ethics in accordance with Article VI of these Rules and Regulations.

4. **Officers.** (a) The following officers shall be elected by the County Committee:

Chairperson of the County Committee	Secretary
First Vice Chairperson	Treasurer
Second Vice Chairperson	Vice Treasurer
Third Vice Chairperson	Sergeant-at-Arms

(b) **Chairperson of the County Committee.** The Chairperson of the County Committee shall preside at all meetings of the County Committee, and shall appoint the Temporary Chairperson of all district committees except as provided otherwise herein. In addition, the Chairperson of the County Committee shall discharge all duties imposed by law or by these Rules and Regulations or by resolution of the County Committee or Executive Committee in accordance with these Rules and Regulations. The Chairperson of the County Committee shall continue in office and exercise all of the powers under these Rules and Regulations until the election of a successor, except when suspended or removed in accordance with these rules and regulations. The Chairperson of the County Committee shall be ineligible to hold the office of County Leader.

(c) **Vice Chairpersons.** The Vice Chairpersons shall perform such duties as shall be assigned to them by the Chairperson, and in the absence of the Chairperson, shall preside at meetings of the County Committee in order of their designation.

(d) **Secretary.** The Secretary shall keep full and accurate minutes of all meetings of the County Committee and of the Executive Committee, shall prepare and maintain a list of the names and addresses of the members of the County Committee and of the Executive Committee, shall notify all members of the time and place of all meetings and shall perform such other duties as may be assigned by the Chairperson of the County Committee, the County Leader, or the Executive Committee or its chairperson. The Secretary may designate or remove in writing assistant secretaries to perform any duties of the Secretary.

(e) **Treasurer.** The Treasurer shall receive and hold in trust all funds of the County Committee and shall report to the County Committee, the Executive Committee or the County Leader whenever requested to do so. In addition, within 60 days after the end of each calendar quarter, the Treasurer shall deliver to each member of the Executive Committee a written report of receipts and expenditures of such funds during such quarter. The Treasurer may designate or remove in writing assistant treasurers to perform any duties of the Treasurer. The Treasurer shall afford a reasonable opportunity to members of the Democratic Party and the press to review the expenditures and receipts of the County Committee upon receiving a written request to do so.

(f) **Vice Treasurer.** The Vice Treasurer shall perform such duties as shall be assigned by the Treasurer, and in the absence of the Treasurer, perform any duties of the Treasurer.

(g) *Sergeant-at-Arms.* The Sergeant-at-Arms shall assist the Chairperson in maintaining order at all meetings of the County Committee.

(h) *Vacancies.* Any vacancy in any office of the County Committee shall be filled by the County Committee; provided, however, that pending such action by the County Committee, the Executive Committee may fill such vacancy until the next meeting of the County Committee.

5. *Powers.* The County Committee shall have sole power to amend these Rules and Regulations and shall have such other powers as are prescribed by law or by these Rules and Regulations.

6. *Meetings.* (a) All meetings of the County Committee shall be held on the call of the Chairperson of the County Committee or of the County Leader, or by resolution of the County Committee or of the Executive Committee. If the Chairperson of the County Committee shall receive a petition requesting that a meeting of the County Committee be held and if such petition shall have been signed within 60 days prior to the date of submission thereof by 750 members of the County Committee including at least 25 members from each of ten Assembly District parts, the Chairperson shall call a meeting of the County Committee within ten days of submission of such petition to be held not more than twenty days from the date of such call for the purposes specified in such petition.

(b) *Notice.* Notice of the first meeting of the County Committee after its election shall be mailed at least five days before the date of the meeting; such meeting shall be held within twenty days of each Primary Election at which the members of the County Committee are elected. Notice of any other meeting shall be mailed at least ten days prior to the meeting, except that three-fourths of the members of the Policy Committee of the Executive Committee may provide for any other appropriate form of notice and reduce the period of notice in the event of an emergency which requires a meeting earlier than that which would otherwise be permitted in these Rules and Regulations, in which case the County Committee may act only by a vote of two-thirds of the members present and voting. Every such notice (except the notice of the first meeting) shall include an agenda of the matters to be acted upon at the meeting.

(c) *Quorum and Proxies.* A quorum of the County Committee shall consist of 250 members provided that at least 25 members are present from each of at least seven assembly districts. The County Committee shall act by a majority of those present and voting except as provided otherwise. Any member of the County Committee who is personally present at a meeting which continues later than 9:00 p.m. may designate in writing a proxy, who shall thereafter have full power to act for and in the stead of said member (including the power to substitute another person to so act, unless the proxy provides otherwise), with the same effect as if said member were still personally present.

(d) *Agenda.* The order of business of the first meeting of the County Committee after the election of the members of the County Committee shall be as follows:

- (i) Roll call;
- (ii) Election of a Temporary Chairperson;
- (iii) Election of a Temporary Secretary;
- (iv) Election of persons to fill vacancies in the County Committee;
- (v) Election of the Chairperson;
- (vi) Election of the Secretary;
- (vii) Adoption of Rules and Regulations;
- (viii) Election of other officers;
- (ix) Other business which may be placed on the agenda in accordance with this paragraph.

The order of business for all other meetings shall be as follows:

- (i) Roll call;
- (ii) Reading and approval of minutes;
- (iii) Report of the County Leader;

(iv) Report of Committees;

(v) Other business which may be placed on the agenda in accordance with this paragraph.

Other business may be placed on the agenda only by direction of the Chairperson of the County Committee, the County Leader, the Executive Committee, the Committee on Resolutions, or by a petition submitted to the Chairperson or Secretary of the County Committee at least ten days prior to the date of such meeting signed by 500 members of the County Committee including at least 25 members from each of ten Assembly District parts within 60 days prior to its submission. The Secretary must have a written copy of any resolution before it may be considered by the County Committee.

(e) *Voting.* All votes at meetings of the County Committee shall be by voice unless the Chairperson shall decide that a vote shall be by standing division or by roll call; however, the Chairperson shall take a roll call vote whenever requested by 150 members of the County Committee or 25% of the members present, whichever is less, or on the election of any temporary or permanent officer of the County Committee where more than one candidate is placed in nomination. The roll shall be called by Assembly District parts and the vote shall be announced by the chairperson of the divisional assembly district committee or by a district leader from that part. Any member of a divisional assembly district committee shall, upon demand, have the right to have all the members of such committee polled, and in addition, 75 members of the County Committee including at least five members from each of five Assembly Districts, may demand that the members of any Assembly District part be polled individually, in which case the Chairperson shall appoint two tellers to conduct such a poll, and while such poll is being taken, the Chairperson shall continue to call the roll of the remaining Assembly District parts.

(f) *Credentials.* Members whose names are on the official roll and who have personally signed a copy of such roll upon entering the meeting shall be deemed prima facie entitled to their seats and shall have the right to vote on all questions except that of their right to their own seats. The copy of the roll with members signatures shall be preserved by the Secretary with the minutes of the meeting. In the event of a contest for membership in the County Committee, the Committee on Credentials shall report in writing which shall state the facts as found by the Committee together with recommended action and the reasons therefor. The right to seats from each Assembly District part shall be decided separately from the right to seats from every other part. The failure of a member to sign the official roll shall be deemed a mere irregularity which will not invalidate action taken by the committee. The County Committee may vote to dispense with calling the names on the official roll at any meeting.

(g) *Speaking.* No member of the County Committee shall speak more than once on the same question to the exclusion of any other member and no member shall speak for more than three minutes at a time without the consent of the County Committee.

7. *Subcommittees.* (a) There shall be the following standing subcommittees of the County Committee:

(i) *Executive Committee.* The Executive Committee shall exercise all of the powers of the County Committee when the County Committee is not in session, including the power to nominate the commissioner of the board of elections, except that it may not amend these Rules and Regulations or fill vacancies in the County Committee.

(ii) *Committee on Credentials.* The Committee on Credentials shall hear and report on all disputes regarding membership in the County Committee or any District Committee.

(iii) *Committee on Rules.* The Committee on Rules shall consider and report on all amendments proposed to these Rules and Regulations.

(iv) *Other Committees.* The County Committee may designate such other subcommittees as it shall deem necessary or proper.

(b) *Appointment.* The Chairperson of the County Committee, unless instructed otherwise by resolution of the County Committee or two-thirds of the Executive Committee, shall appoint and

may remove at any time, the Chairperson and Vice Chairperson of all subcommittees of the County Committee, except of the Executive Committee or its subcommittees. The Chairperson of any subcommittee, subject to the direction of the Executive Committee, shall appoint and may remove at any time the other members of such committee. A quorum of a subcommittee other than the Executive Committee and its subcommittees shall be a majority of those members appointed and not removed by the Chairperson of such committee unless the Executive Committee or the County Committee shall direct otherwise.

ARTICLE III: EXECUTIVE COMMITTEE

1. *Membership.* The Executive Committee shall consist of the Chairperson and the Secretary of the County Committee, who shall have no vote, and the District Leaders elected at the primary election held in each odd-numbered year from the parts designated in the statement filed with the Board of Elections in accordance with Election Law 2-120 or their successors. There shall be one male and one female District Leader from each part. Each leader elected in an Assembly District which contains four parts shall have three votes; each District Leader elected in an Assembly District which contains three parts shall have four votes; each District Leader elected in an Assembly District which has two parts shall have six votes; each District Leader elected in an Assembly District which has one part shall have twelve votes. No district leader shall represent more than one Assembly District part.

2. *Vacancies.* Vacancies shall be filled in accordance with Election Law 2-110(2) and Article IV, section 1(e) of these Rules and Regulations.

3. *Removal.* Any officer or member of the Executive Committee may, upon good cause shown, be removed from such office or such membership by a two-thirds vote of the Executive Committee. Removal of any officer or member of the Executive Committee shall be only after a hearing by the Executive Committee on written notice specifying the charges. Any officer or member of the Executive Committee may be suspended by the Committee on Ethics in accordance with Article VI of these Rules and Regulations.

4. *Officers.* (a) The Executive Committee shall elect the following officers from among its Members, except that the County Leader must be a District Leader:

- County Leader
- Chairperson of the Executive Committee
- Vice Chairperson of the Executive Committee
- Chairperson of the Policy Committee
- Vice Chairperson of the Policy Committee

(b) *County Leader.* The County Leader shall, subject to the direction of the Executive Committee, be the principal political, executive and administrative officer of the Democratic Party in New York County. The County Leader shall report to each meeting of the Executive Committee and the County Committee on the state of the Party and its activities. The County Leader may, subject to the approval of the Executive Committee, employ such persons who shall perform such ministerial duties and implement such policies as are assigned, allocated or directed by the County Leader or the Executive Committee. The County Leader shall have the power to call a meeting of any District Committee or any Subcommittee of the County Committee or of the Executive Committee.

(c) *Chairperson of the Executive Committee.* The Chairperson of the Executive Committee shall preside at all meetings of the Executive Committee. The Vice Chairperson shall preside at meetings of the Executive Committee in the absence of the Chairperson.

(d) *Secretary.* The Secretary of the County Committee shall serve as Secretary of the Executive Committee.

5. *Duties.* The District Leaders shall be the principal political, executive and administrative officers and spokespersons for the Democratic Party in their Assembly District parts and they shall report to the County Leader, the Executive Committee and their Divisional Assembly District Committee on the state of the Party and its activities.

6. *Meetings.* (a) The Chairperson of the County Committee shall call a meeting of the Executive Committee within 30 days after the biennial Primary Election at which the District Leaders are elected and shall preside at such meeting until the Chairperson of the Executive Committee shall have been elected. Regular meetings of the Executive Committee shall be held on the third Thursday of each month except July and August unless the Executive Committee shall provide otherwise, or on call of the Chairperson of the Executive Committee or of the County Leader, provided further that members of the Executive Committee entitled to cast at least twenty-five percent (25%) of the votes of the Executive Committee may call a meeting for the purposes specified in the request, in which case the notice of meeting shall contain the signatures of the persons calling the meeting and list the matters which will be voted on.

(b) *Notice.* Notice of all regular meetings shall be mailed at least seven days before the meeting. At least twelve hours notice of all special or other meetings shall be given in writing delivered to the address designated by the member for such notice, or by mailgram, or by telephone to each member of the Executive Committee, except that at least three days notice by delivery to the address designated for that purpose or by mailgram or by telephone must be given for any special meeting which is not called by the Chairperson of the Executive Committee or by the County Leader. Each such notice shall include an agenda of the matters to be acted upon at the meeting. There shall be included in the agenda for any meeting of the Executive Committee any item specified by a member in a written request delivered to the Chairperson or the Secretary of the Executive Committee at least ten days prior to a scheduled meeting.

(c) *Quorum and Proxies.* A quorum of the Executive Committee shall consist of members entitled to cast a majority of the votes. Every member of the Executive Committee may attend any meeting and vote thereat in person or by written proxy given to another member of the Executive Committee, and any member of the Executive Committee holding a written proxy from not more than one other member shall have full power to act for and in stead of said member (including the power to designate in writing another holder of the proxy, unless the proxy provides otherwise), with the same effect as if said member were personally present.

7. *Subcommittees.* (a) There shall be the following subcommittees of the Executive Committee:

(i) *Policy Committee.* (1) The Policy Committee shall be composed of the County Leader, the Chairperson of the County Committee, the Chairperson of the Executive Committee, the Chairperson of the Policy Committee, the Vice Chairperson of the Policy Committee and one member of the Executive Committee from each Assembly District appointed by the County Leader with the approval of a majority of the Executive Committee present and voting at the meeting next held after the election of the County Leader.

(2) The Policy Committee shall elect from among its members the Secretary of the Policy Committee.

(3) The Policy Committee shall meet at least once each month except during the months of July and August and shall meet on the call of its Chairperson or of the County Leader. The Policy Committee shall report on its activities to the Executive Committee.

(4) The Policy Committee shall recommend the agenda for meetings of the Executive Committee, shall recommend the dates for said meetings, shall recommend policy and actions to be taken by the Executive Committee and shall oversee and report upon the implementation of all decisions of the Executive Committee. The Policy Committee may also make recommendations to the Executive Committee with relation to endorsement of candidates and positions to be taken on issues. It may authorize necessary expenditures not in excess of \$500.00.

The Policy Committee shall advise the County Leader with respect to recommendations to be made for Borough, County, City, State and Federal governmental appointive positions, except candidates for the judiciary or for positions involving compensation of less than \$6,500 per annum. The County Leader shall inform the Committee as to any positions involving compensation of less than \$6,500 per annum for which recommendations have been made, and shall inform the committee as to any other positions for which the County Leader proposes to make recommendations or for which recommendations have been requested, except as otherwise provided herein. The County Leader shall not recommend any person for any such other position until consultation concerning such person has been had with the Policy Committee. In the event that the recommendation of a majority of the Policy Committee differs from that of the County Leader, then both recommendations shall be submitted to the appointing authority. The County Leader shall report at the ensuing meeting of the Executive Committee the recommendations which were accepted. The Secretary of the Policy Committee shall keep a current list of such appointments.

(ii) *Committee on the Judiciary.* (1) The Committee on the Judiciary shall consist of at least five members of the Executive Committee appointed by the County Leader, additional members to be appointed in the discretion of the County Leader and the Chairperson or Chairpersons of the Law Committee, ex-officio. It shall, by majority vote, select organizations (or heads of organizations acting in their individual capacity) which shall each designate one member of an independent panel for screening judicial candidates, and the Committee on the Judiciary shall report its selections to the Executive Committee. In selecting such organizations, the Committee on the Judiciary shall insure broad representation of all elements of the community.

(2) The Committee on the Judiciary shall also designate a person, not a member of the Executive Committee, who shall act as Administrator of the independent panel, without being a voting member thereof. The Committee shall meet with the Administrator and with the independent panel at the first meeting to review the guidelines and timetables set by the Committee. At such meeting the Administrator shall inquire as to the availability and qualifications of each panel member, and in a proper case may request the designation of a substitute for a particular member of the independent panel, such request to be made to the organization (or head of organization) which had originally designated such member. No person shall be proposed or approved as a member of the independent panel who shall not have agreed to follow the guidelines established by the Committee. No person may serve as a voting member of an independent screening panel for more than one year in any consecutive three year period. Any member of a panel who is or was a relative, partner, associate, employer or employee of any person who appears before said panel for the purpose of being screened shall disclose such relationship to the Administrator and shall be disqualified from voting with respect to such person.

(3) Neither the Executive Committee nor the County Leader shall designate, nominate or propose any candidate for judicial offices which are to be elected county-wide in New York County, or which are to be proposed for appointment by the Mayor of the City of New York or by the Governor of the State of New York, exclusive of recommendations for interim appointment by the Mayor or the Governor, unless such candidate shall have been approved in that calendar year for such office by the independent panel. The independent panel shall report as approved for each judicial position all highly qualified applicants, provided that if the number of highly qualified applicants exceeds three times the number of existing vacancies to be filled in such position (determined as of the time the panel renders its report), the independent panel shall report as approved the most highly qualified applicants in a number equal to three times the number of vacancies to be filled in such position, provided further that if the number of highly qualified applicants is less than three times the number of vacancies to be filled in such position the independent panel shall report as approved the most highly qualified applicants in a number equal to not less than two times the number of such vacancies, and provided further that in the

case of a vacancy created by the expiration of the term of a judge or justice completing a full term of office, or in the case of an interim Supreme Court justice who has been appointed by the Governor to fill an existing vacancy no later than the previous June 1 after approval of the Governor's screening panel, who has been confirmed by the State Senate and has assumed office no later than the date the panel renders its report, and who has been reported as highly qualified by at least two independent screening panels under these Rules for Supreme Court in the previous four years, who is eligible for reelection or reappointment and who is reported as approved by the panel, no other applicants shall be reported as approved for such vacancy.

(4) The report of the independent panel shall be delivered to the Committee on the Judiciary at a final panel meeting to be attended by members of the Committee. Such meeting shall take place at least ten days prior to the following times: (A) the first day for circulating designating petitions in the case of an elective position; provided that if the vacancy in such position occurs at such a time as to make it impossible to comply with the aforesaid timetable, the panel shall deliver its report as expeditiously as possible; (B) the meeting date of the Judicial Nominating Convention or other body nominating a candidate for elective judicial positions; or (C) the date any candidate is to be proposed for appointment for any such judicial position.

(5) The independent panel shall have no power to make any change in its report after the final meeting. The Committee shall release the report to all members of the Executive Committee within 24 hours after the close of such final meeting.

(6) The Committee on the Judiciary shall cooperate with the screening panel in providing timetables, procedures and guidelines for the operation of the screening panel, and shall provide for adequate publicity in advance of the first meeting of the panel with respect to each judicial position.

(iii) *Committees on Community Service.* The Committees to be established are Rent Control, Housing, Education, Human Relations, Senior Citizens, Law Enforcement and such others as the Executive Committee shall from time to time determine. Said committees shall develop, carry out and coordinate programs and facilities to enable the Party to better serve the people of the County of New York.

(iv) *Committee on Campaigns and Elections.* The Committee on Campaigns and Elections shall plan, direct and supervise all activities of the Party in all general elections, including the preparation and distribution of campaign material and literature, the scheduling of rallies, and the performance of such other duties as may be referred to it from time to time. It shall, with the proper officers of the Party, prepare and file, as authorized by law, original, supplemental and additional lists of Democratic electors duly qualified to serve as election inspectors.

(v) *Committee on Public Relations.* The Committee on Public Relations shall publicize the activities of the Party, its officers and committees in such manner as shall be directed by the County Committee or the Executive Committee.

(vi) *Committee on Governmental Affairs.* The Committee on Governmental Affairs shall be composed of appointed members of the Executive Committee, the elected Democratic officials from New York County at the City, State and National level, together with outstanding Democrats having a concern for and an awareness of the variety of problems and issues affecting the Party in its relation to governmental affairs. This Committee shall research, study, discuss, evaluate, report and make recommendations to the Executive Committee on public and governmental matters, affairs, issues and problems of concern to the Party at City, State and National level.

(vii) *Law Committee.* The Law Committee shall advise the County Committee and the Executive Committee, or any committee or officer thereof, on any question of law relating to the discharge of any duty, shall consider and report on any matters of a legal nature that may be referred to it by the County Committee or the Executive Committee, and shall investigate all reports of violation of duty by election or other officers.

(viii) *Committee on Youth Organization and its Activities.* The Committee on Youth Organization and its Activities shall be composed of Executive Committee members, and youths between the ages of 18 and 30 years appointed by the County Leader. The Committee shall develop and maintain programs and activities for the encouragement of the participation of Youth in the New York County Democratic Party. The Chairperson of this Committee shall be a member of the Executive Committee expressing interest and having ability in matters of youth.

(ix) *Committee on Ethics.* The Committee on Ethics shall hear complaints and render opinions in accordance with Article VI of these Rules and Regulations. Any hearings pursuant to Election Law 2-116 shall be heard by the Committee on Ethics; The Chairperson of the County Committee must designate the Committee on Ethics to hold hearings pursuant to Election Law 16-110 (2) when it requests authority to do so.

(x) *Other Subcommittees.* The Executive Committee may establish such other subcommittees of the Executive Committee as it may deem necessary or proper.

(b) The County Leader shall be ex officio a member of all subcommittees of the Executive Committee and shall have the power to appoint and remove at any time the chairperson and any other officers of all such committees (except as otherwise provided herein), subject to the approval of the Executive Committee. If the County Leader should fail to appoint the chairperson of any of the subcommittees described herein within thirty days of the election of the County Leader, or within thirty days after the establishment of a committee or within ten days after the removal of a chairperson, the Executive Committee may fill such offices. All meetings of the subcommittees shall be held on the call of their chairpersons and, except for the Policy Committee and the Committee on Ethics, shall be open to all members of the Executive Committee. The chairpersons shall make reports to the Executive Committee and shall keep a written record of the actions taken by their committees which record shall be available to any member of the Executive Committee.

(c) No subcommittee, except for the Committee on Ethics, shall cause to be made public or issue any report unless such report has the prior approval of the Executive Committee, nor shall the chairperson or any other officer or member of any subcommittee issue any public statements or make any public appearance in behalf of such subcommittee or permit the use of his title as identification in connection with any public appearance without the prior approval of the Executive Committee or of the County Leader.

8. *65th A.D.-Part B.* In view of the vacancies in the positions of male and female assembly district leader in Part B of the 65th A.D., notwithstanding any other provision of the Rules and Regulations, the Executive Committee is authorized to adopt a resolution which dissolves Part B of the 65th Assembly District and assigns the election districts in that part to the remaining parts in the 65th Assembly District. This section of the Rules shall expire on December 31, 1995, except that the expiration of this provision shall not affect the validity of any resolution adopted before December 31, 1995.

ARTICLE IV: DISTRICT COMMITTEES

1. *Divisional Assembly District Committees.* (a) Within thirty days after each election of the County Committee, each Divisional Assembly District Committee shall hold an organizing meeting upon the call of either of the District Leaders of such part (or in the event that both District Leader offices are vacant, on the call of the Chairperson of the County Committee who shall designate a temporary chairperson), who shall mail notice to each member at least three days before such meeting; provided however, that if such meeting is not held within such time, the Chairperson of the County Committee, the County Leader or either District Leader may at any time thereafter call such meeting by mailing notice at least seven days before such meeting and may designate a temporary chairperson thereof.

(b) At such meeting each such Divisional Assembly District Committee shall elect a Chairperson, a Secretary and such other officers as the Committee may determine, and may adopt rules not inconsistent with these Rules and Regulations. Pending the adoption of rules, a quorum at a meeting of any such Committee shall consist of 20% of the members thereof, required to be elected in such assembly district part, present in person, but the rules of such Committee when adopted may vary the aforesaid quorum requirement.

(c) Other meetings of such a committee shall be held on the call of its Chairperson or as provided otherwise by such committee. Notice of such meetings shall be mailed seven days before any meeting, unless provided otherwise by the rules of such committee. If the Chairperson of a committee should receive a petition signed by at least 20% of the members of the Committee within 30 days of its submission requesting a meeting of the Committee, the Chairperson shall call a meeting of the Committee within two days after the receipt of the petition for a date within ten days after the date of such receipt for the purposes set forth in the petition.

(d) A copy of the minutes of each meeting of the Divisional Assembly District Committee signed by the Secretary must be mailed to the Secretary of the County Committee or other person designated by the Secretary of the County Committee within ten days after the meeting.

(e) *Vacancies in District Leadership.* If a vacancy shall exist in any District Leadership, such vacancy shall be filled by vote of the Divisional Assembly District Committee for the part in which such vacancy shall exist; provided however, that if there is no legally constituted Committee, then such vacancy may be filled by the Executive Committee. Further, if a vacancy shall exist in both the Male and Female District Leadership in any Assembly District part, then, upon the favorable votes of at least two-thirds of those present and voting at a meeting of the Divisional Assembly District Committee of the part to be dissolved and of each part to which Election Districts are to be distributed, voting separately, such part shall be dissolved and the Election Districts therein distributed among one or more of the remaining parts of the Assembly District and the votes of the District Leaders adjusted accordingly.

2. *Other District Committees.* (a) Meetings of other District Committees shall be held at the call of the Chairperson of the County Committee or County Leader upon notice mailed not less than five nor more than ten days before the meeting, which notice shall designate a Temporary Chairperson. The Chairperson of the County Committee shall call a meeting of such committee within five days after receiving a petition requesting a meeting of such committee signed by at least 10% of the members of such committee within 30 days of receiving the petition. A quorum at a meeting of any such District Committee shall be 30% of the members thereof, not including vacant positions, present in person. Any such Committee may adopt rules not inconsistent with these Rules and Regulations and the rules may vary the quorum requirement set forth in this section. Whenever a district committee meets for the purpose of nominating a candidate for public office: the Credentials Committee of the County Committee shall make available lists of the members of such committee and the weighted vote of each such member at the earliest possible time; no member of such committee shall be eligible to vote unless the Secretary of the County Committee shall have received at least 72 hours before the commencement of the meeting all necessary documentation of the member's election; if reasonably possible, the Temporary Chairperson shall obtain a list of facsimile signatures of the members from the Board of Elections, and the presiding officers shall arrange for a videotape or audio tape record of the meeting.

(b) In the event that the members of the Executive Committee from any political subdivision contained within New York County have met and have not agreed upon a designation of a candidate for party position or public office to be filled by such political subdivision at the next primary election at least ten days before the first day for obtaining signatures on designating petitions for such party position or public office, the Chairperson of the County Committee on

the written request of a member of the Executive Committee from the political subdivision made no more than ten days nor less than six days before the first day for signatures on designating petitions shall convene a meeting of the appropriate District Committee of such political subdivision, to be held no later than the first day for signatures on a designating petition, in order to obtain the views of such District Committee concerning the designation of a candidate for the public office or party position specified in the request.

3. *Intercountry Districts.* Whenever the Chairperson of the County Committee by reason of the Rules of the Democratic Party of the State of New York is a member of a District Committee of a political subdivision lying partly within and partly without New York County which is required to make a Party nomination for public office, he or she shall convene a meeting of the District Committee for the part of such political subdivision within New York County, to be held no later than five days before the last day provided by law for filing a certificate of such Party nomination; he or she shall consult with such District Committee and in carrying out his or her duties as a member of the District Committee for such political subdivision, he or she shall, to the extent feasible, be guided by the advice of a majority of those present and voting at the meeting of the District Committee for the part of such political subdivision within New York County. Nothing contained herein shall preclude the Chairperson of the County Committee from cooperating with the Chairperson of the County Committee of each other county containing part of such political subdivision in convening a joint meeting of all County Committee members from such political subdivision and from acting in accordance with the advice of a majority of those present and voting at such joint meeting in lieu of convening a meeting of the District Committee for the part of such political subdivision within the County of New York as aforesaid. Notwithstanding any other provision of these Rules and Regulations, the Policy Committee may establish procedures which shall govern the conduct of the County Committee members from New York County at any such joint meeting, including rules covering such matters as proxy voting, method of balloting and identification of members.

ARTICLE V: GENERAL PROVISIONS

1. *Dues.* Each Divisional Assembly District Committee may by resolution establish dues to be paid by each member of such Committee to the Treasurer or such other officer as such Committee may direct.

2. *Seal.* The County Committee shall have a seal bearing the words "Democratic County Committee of the County of New York." The Chairperson of the County Committee and the Secretary shall each have authority to affix said seal to all necessary or proper documents.

3. *Nominations or Public Office.* (a) Whenever a Party nomination for a public office to be filled at a general or special election is not made at a primary election or by judicial nominating convention, or when no valid designating petition is filed with the board of elections (1) such nomination shall be made by the Executive Committee if for a public office to be filled by the voters of a political subdivision whose boundaries are coterminous with the County of New York or the Borough of Manhattan, and any vacancy in a nomination so made shall be filled by the Executive Committee or a subcommittee appointed by the Executive Committee for that purpose, and (2) such nomination shall be made by the appropriate District Committee if for a public office to be filled by the voters of a political subdivision wholly or partly contained within, but embracing only a part of, the County of New York or Borough of Manhattan, and any vacancy in a nomination so made shall be filled by a subcommittee appointed by said District Committee for that purpose.

(b) *Weighted Voting.* Whenever the Executive Committee or a District Committee takes action with respect to a Party nomination for public office as provided in this section or an

authorization of a designation or nomination as provided in the following section, the voting power of each member shall be in proportion to the Democratic vote for Governor at the last preceding gubernatorial election in the district from which such member was elected, or in case the boundaries of any such district have been changed since the last preceding gubernatorial election in such manner that such vote for governor cannot be determined, or in case any new district has been created since such election, in proportion to the Democratic vote for Member of Assembly in such district, as the case may be, or in the event that there was no election for member of Assembly subsequent to such change, then in proportion to that percentage of the Party enrollment in such district on the list of enrolled voters last published by the Board of Elections which the total vote cast in the County for governor under the Party emblem at the last preceding gubernatorial election bore to the total Party enrollment in the County on the list of enrolled voters last published by the Board of Elections, provided however, that with respect to the vote of District Leaders who are ex officio members of District Committees pursuant to Election Law 2-110(2), the vote of any such District Leader in any such District Committee shall equal the smallest proportional vote allotted by the foregoing provisions of this section to any other member of such District Committee, and provided further that each member of a District Committee shall have at least one proportional vote.

4. *Authorization of Designation.* The Executive Committee shall have the sole power to authorize the designation or nomination as a candidate for public office of a person who is not enrolled as a member of the Party as provided in Election Law 6-120; provided however, that in the case of a candidate for public office other than an office to be filled by all of the voters of the County of New York or the Borough of Manhattan, in the event that the Executive Committee does not give such authorization before thirty days before the last day provided by law for filing such authorization, the appropriate District Committee shall thereafter have concurrent power to give such authorization.

5. *Party Statement and Call.* The Executive Committee shall adopt and designate a person or persons to file the statement required to be filed by Election Law 2-120 setting forth the party positions to be filled at each primary election and the number of persons to be elected to each position and the election districts contained within each part of an Assembly District. The Executive Committee shall designate the number of parts to be created within each such Assembly District, and provided that there shall be no more than four parts in each Assembly District, provided that a two-thirds vote of the full membership of the Executive Committee shall be required to alter the number of parts within an Assembly District. The order in which Male and Female party positions shall be listed shall be drawn by lot each year for each such dual position.

6. *Other Party Organizations.* (a) Any organization which uses the word "Democratic" or "Democrat" in its name which conducts any activities in the County of New York, other than an organization sponsored, chartered or affiliated with the Democratic National Committee or the New York State Democratic Committee, shall conform to the provisions of this section.

(b) Each Democratic organization shall have a written constitution which provides among other things (i) that the annual election of officers be by a secret ballot of the members of the organization; (ii) that membership in the organization be open to all enrolled Democrats residing in the political subdivision for which the organization is to function; (iii) that there be periodic financial reports to the membership, with at least one report each year and that the receipts and expenditures of the organization may be reviewed upon the written request of any member of the organization at a reasonable time and place fixed by an officer of the organization designated for that purpose; (iv) that endorsement of all candidates for party position or public office in the party primary be by a secret ballot of the members of the organization.

(c) The Chairperson of the County Committee shall exercise the power granted to him or her pursuant to Not-for-Profit Corporation Law 404(m) only with the advice of the Executive Committee. The Executive Committee may consent or may advise the Chairperson of the County Committee to consent to the use of the name Democrat or Democratic by clubs, organizations or associations seeking to incorporate, organize or associate under the Democratic Party label only if such club, organization or association satisfies the requirements of subsection (b) and that the constitution of such organization provides that no amendment can be adopted which does not comply with the Rules and Regulations of the Democratic Party.

(d) Although a Democratic organization, club or association described in paragraph (a) may, in its discretion, permit within its membership persons holding membership in more than one such organization, in all votes taken for endorsement of a nominee for public office or party position such multiple membership holder may not vote on such endorsement in any such organization if the member has already voted on such endorsement in any other such organization.

(e) The Executive Committee may revoke the right of any organization which fails to conform with these Rules and Regulations to use the words "Democratic" or "Democrat" in its name and may prevent the organization from claiming any affiliation with the Democratic Party.

(f) Each officer of an organization described in this section shall have the obligation to comply with the requirements of subsection (b). The Committee on Ethics may hear any complaint concerning violation of these Rules and Regulations.

7. *Amendment.* These Rules and Regulations may be amended by the County Committee in the manner provided by the Election Law.

8. *Roberts' Rules.* Unless otherwise provided herein or in the rules of the appropriate committee, the proceedings of the County Committee and all committees and subcommittees organized hereunder shall be governed by the latest edition of *Roberts' Rules of Order, Newly Revised*.

9. *Open Meetings.* Meetings of the County Committee, the Executive Committee, District Committees and subcommittees of the County Committee or of the Executive Committee shall be open to the public. Members of the public shall be required to remain in designated areas during such meetings and to conduct themselves so as not to interfere with the conduct of the meeting. Notwithstanding anything contained herein to the contrary, any such committee, by a two-thirds vote of the members present and voting shall have the right to hold an executive session or to exclude members of the public who fail to conduct themselves as required by this section; such vote may be made at any time.

10. *Copies of these Rules and Regulations.* Copies of the Rules and Regulations shall be published following each organizational meeting of the County Committee and shall be available to any member of the Party. The County Leader may prescribe a reasonable fee to cover the costs of publication, mailing and handling.

ARTICLE VI: ETHICS

1. *Statement of Principles.* Public trust in party leadership is essential if the Democratic Party of the County of New York is to achieve continued success and deserve it. Rules of ethical guidance for the conduct of party leaders can help earn that public trust.

It is essential that party leadership not be used for private gain. It is also essential that the Democratic Party attract those citizens best qualified to serve, and not impede unreasonably or unnecessarily their recruitment and retention or unfairly deny to them the economic rights and opportunities available to all other citizens.

It is the intent of these Rules and Regulations to implement these objectives of promoting both the integrity of the Democratic Party and the recruitment and retention of qualified party leadership by prescribing restrictions against abuses of political position for private financial gain without creating unnecessary barriers to party service.

2. *Committee on Ethics.* (a) *Complaints.* Any member of the Democratic Party of the County of New York may submit to the Committee on Ethics a written complaint alleging a specific violation of these Rules and Regulations. Complaints shall be filed privately and without any public release or announcement. The Committee on Ethics may also initiate a complaint alleging a specific violation of these Rules and Regulations.

(b) *Hearings.* (i) Upon receipt or initiation of a complaint, the Chairperson of the Committee on Ethics shall promptly mail or deliver by other means a copy of the complaint to each person or organization who is charged with a violation, unless the Chairperson determines that the complaint is so frivolous that it should be dismissed without further inquiry, in which case the full Committee shall be notified and may review the ruling of the Chairperson and direct that the complaint be mailed.

(ii) The respondent may submit a written reply within fifteen days after mailing of the complaint unless the Committee shall prescribe a different time. Promptly thereafter, and in no case more than thirty days after the last date to submit a written reply, the Committee may, in its discretion, dismiss the complaint, issue a reprimand or admonition to respondent or schedule a hearing on the merits of the complaint, except that if a respondent requests that a hearing be held, the Committee shall schedule a hearing.

(iii) The Chairperson or the Committee may schedule a hearing after receipt of the complaint or after receipt of the written reply. The respondent shall be notified of the time, date and place of the hearing.

(iv) Hearings shall be private, unless the respondent requests in writing at least 48 hours before the hearing that it be public. All reprimands, admonitions, and recommendations for sanctions shall be made public by the Committee.

(v) In conducting a hearing, the Committee may request and consider written or oral testimony. The respondent may have counsel present at the hearing. The Committee may establish procedures which it deems appropriate for the conduct of its hearings.

(vi) A majority vote of all members of the Committee shall be required to make any final determination or recommendation on a complaint.

(vii) Any reprimand or admonition of the Committee may be appealed to the Executive Committee by providing to the Secretary of the County Committee at the office of the County Committee sufficient copies of the complaint, written reply and any other evidence considered by the Committee within 30 days of such determination. The Committee on Ethics or the Policy Committee may allow the appellant to provide a Committee report or a summary of the evidence in lieu of providing copies of a full record of the evidence considered by the Committee.

(c) *Advisory Opinions.* (i) The Committee on Ethics may, in its discretion, issue public or private advisory opinions with respect to questions of ethical conduct, conflicts of interest and other matters arising under this Article. Records of all public advisory opinions shall be kept by the Committee for consultation, as appropriate, by members of the Democratic Party.

(ii) Any member of the Executive Committee or employee of the County Committee may request in writing a public or private advisory opinion regarding conduct relating to his or her public or party responsibilities. Private advisory opinions shall be treated as confidential by the Committee on Ethics.

3. *Conflict of Interest.* (a) No officer of the County Committee, District Committee or Divisional Committee or of any of their subcommittees, no member of the Executive Committee and no employee of the County Committee shall accept, directly or indirectly for such person's gain,

anything of value, whether in the form of a service, loan, gift, promise or contribution to her or her campaign in excess of \$100, from any person, firm, association, corporation or other entity which to such person's knowledge has a financial interest in the outcome of any decision, contract, policy or appointment pending before such committee.

(b) No officer of the County Committee, District Committee or Divisional Committee or of any of their subcommittees, no member of the Executive Committee and no employee of the County Committee shall use or attempt any party position as a means of undue or improper influence to secure from any state or local agency (as those terms are defined in Public Officers Law 73) for that officer, member of the Executive Committee or employee or others with whom the person has a family, employment, business or financial relationship any benefits, privileges or exemptions not generally available to members of the public. The submission of the name of a family member for consideration by any public agency seeking to hire part time employees for a period of four months or less shall not by itself constitute undue or improper influence.

(c) No member of the Executive Committee or member of the State Committee elected within New York County or delegate or alternate delegate to a judicial nominating convention may receive any compensation in connection with any campaign for endorsement, nomination or election to any judicial office within New York County.

(d) Each officer of the County Committee and Executive Committee and each employee of the County Committee is required to comply with the provisions of Public Officers Law 73.

4. *Dual Office-Holding.* No member of the Executive Committee during his or her tenure in office shall simultaneously: (a) hold any state-wide elective public office; or (b) hold any city-wide elective public office in New York City or the Presidency of the Borough of Manhattan; or (c) serve as a judge of any court of record, attorney general or deputy or assistant attorney general or solicitor general, district attorney or assistant district attorney.

5. *Financial Disclosure.* Those persons subject to Public Officers Law 73-a, General Municipal Law 812 or such other law, ordinance or resolution requiring financial disclosure shall comply with those applicable provisions of law.

6. *Oath of Office.* The Secretary of the County Committee shall provide each officer of the County Committee and each member of the Executive Committee with a copy of these Rules and Regulations promptly after each person's election. Within ten days after receipt of these Rules and Regulations each such person shall file a notarized oath of office in the following form: "I, _____, swear or affirm that I am enrolled as a member of the Democratic Party; that I am qualified under the Constitution and laws of the State of New York and the Rules and Regulations of the Democratic Party to hold the party office to which I have been elected; I have received and read a copy of the Rules and Regulations of the Democratic Party of New York County; I will faithfully perform the duties of my party office and that I will conform to the purposes and intent of those Rules and Regulations." No member of the Executive Committee who has failed to file the oath within the required time may vote at any meeting of the Executive Committee until the oath is filed. Any officer of the County Committee who has failed to file the oath within the required time shall be suspended from office until the oath is filed.

7. *Criminal Offenses.* The party office of any member of the Executive Committee or officer of the County Committee or any District or Divisional Committee shall become vacant upon the conviction of such person in any state or federal court of a criminal offense that constitutes (or, had such offense occurred in New York, would have constituted) a felony under the laws of the State of New York. No person shall be eligible to be a member of the Executive Committee or to be an officer of the County Committee or any District or Divisional Committee for five years from the date of such conviction, or if later, from the date of expiration of his or her maximum sentence of imprisonment or discharge from parole.

8. *Sanctions.* (a). The Committee on Ethics may issue an admonition or reprimand for any violation of these Rules and Regulations. A willful violation of these Rules and Regulations shall constitute disloyalty to the Democratic Party. A violation shall be deemed willful if there is evidence that the offender knew that the conduct was a violation at the time it was made, or if the offender fails to cure such violation after admonition or reprimand from the Committee on Ethics or from the Executive Committee. After a hearing in accordance with Election Law 2-116 and these Rules and Regulations, the Committee on Ethics may recommend that the Executive Committee remove any member or officer of the Executive Committee or of the County Committee.

(b) (i) Upon making a recommendation that any person be removed from office, or (ii) upon finding that a complaint, information, indictment or other instrument charging a person with a criminal offense described in Section 7 of this Article has been filed, the Committee on Ethics may vote by a two-thirds majority of all members of the Committee on Ethics to suspend that person from office pending a determination on the Committee's recommendation of removal or final adjudication of the criminal charges. The Executive Committee may lift such suspension by vote of more than one third of the Executive Committee. During such suspension an officer may not perform any duties of office and a member may not exercise the right to vote. A motion to lift a suspension shall take priority over all other business pending before the Executive Committee.

(c) In an appropriate case, the Committee on Ethics may request that the Chairperson of the County Committee designate it to conduct a proceeding pursuant to Election Law 16-110(2).

(d) In the event that the respondent is an organization described in Article V, Section 6 of these Rules and Regulations, the Committee on Ethics may recommend to the Executive Committee that it revoke the right of the organization to use the word "Democratic" or "Democrat" in its name and to prevent the organization from claiming any affiliation with the Democratic Party.