

**RULES FOR THE GOVERNMENT  
OF THE  
KINGS COUNTY DEMOCRATIC COUNTY COMMITTEE  
*As Amended on September 26, 2024***

**ARTICLE I  
General Provisions**

§1. The County Committee shall be constituted of members elected from each Election District within Kings County by the greatest number of votes of the duly enrolled electors thereof voting in the Democratic primaries.

§2. The County Committee shall conduct all affairs of the Democratic Party organization of Kings County and exercise general authority over all committees within its jurisdiction, except as otherwise provided by these Rules.

§3. The County Committee shall call all official primary elections and in its discretion may, by resolution duly adopted, call unofficial primary elections of the Democratic Party of Kings County, designating in said call the unit of representation and the time and place at which said unofficial primary election shall be held in accordance with the Election Law.

§4. The parliamentary authority for the Kings County Democratic County Committee and any committees thereof, including but not limited to the Executive Committee, Assembly District Committees, and committees provided for in Article VI, shall be the latest edition of Robert's Rules of Order Newly Revised.

**ARTICLE II  
The County Committee: Membership**

§1. The members of the County Committee shall be elected biennially in each even number year at the same time that members of the State Committee are elected.

§2 [in effect and shall apply to the County Committee as constituted until the organizational meeting of the County Committee in the year 2022]. The County Committee shall consist of not less than two members from each Election District, and two additional members in each district which shall qualify by having an "average number" of voters ascertained in the manner hereinafter set forth:

(a) The party vote in each district for Governor at the last preceding gubernatorial election, or in case the boundaries of such district have been changed or a new district has been created since the last preceding gubernatorial election the party vote cast for Member of the Assembly, or in the event there was no election for Member of the Assembly, then the party enrollment in such district at the last preceding general

election shall be determined, and the total of such party vote or enrollment in the entire county of Kings, hereinafter referred to as the "County Total" shall be ascertained.

(b) The "County Total" shall then be divided by the total number of used election districts in the county, the quotient hereinafter referred to as the "average number".

(c) In each election district, wherein the party vote or enrollment, as the case may be, so included in the "County Total" shall be not less than the "average number" (fractions being disregarded), such election districts shall be entitled to two additional members. All other election districts shall not be entitled to any additional members. Accordingly, each election district shall be entitled to either two or four members.

(d) Each member of the County Committee shall be an enrolled member of the Party residing in the Assembly District containing the Election District in which such member is elected, and the representation of each Election District shall be equally divided between men and women.

§2 [to take effect with the election of members of the County Committee in the primary election to be held in the year 2022]. Each member of the County Committee shall be an enrolled member of the Party residing in the Assembly District containing the Election District in which such member is elected. The County Committee shall consist of either two, three, or four members from each Election District, the numbers of members to be determined according to the provisions of subdivisions (a), (b), and (c) herein.

(a) Each of the Election Districts in Kings County shall be ranked by the Democratic Party vote at the preceding gubernatorial election from the highest to the lowest. In case the boundaries of an Election District have been changed or a new Election District within an Assembly District has been created since the last preceding gubernatorial election, the party vote cast for Member of the Assembly shall be utilized instead for said ranking; and in the event there was no election for Member of the Assembly, then the party enrollment in such district, excluding voters in inactive status, shall be utilized instead for said ranking.

(b) In the event that a reapportionment of Assembly Districts in Kings County takes place following a gubernatorial election, then the aforesaid ranking of Election Districts shall be by the party enrollment, excluding voters in inactive status, therein.

(c) The ranked Election Districts shall be divided into three thirds, from the highest to the lowest vote or enrollment as the case may be. Each of the Election Districts falling within the topmost third of the aforesaid ranking shall be entitled to elect four members of the County Committee. Each of the Election Districts falling within the middle third shall be entitled to elect three members of the County Committee. Each of the Election Districts falling within the bottom third shall be entitled to elect two members of the County Committee. In the event that the number of Election Districts is not equally divisible by three and there is a remainder of one following such division, then the number of Election Districts entitled to elect four members shall be increased by one. In the event that the number of Election Districts is not equally divisible by three and there is a remainder of

two following such division then the number of Election Districts entitled to elect four members shall be increased by one and the number of Election Districts entitled to elect three members shall be increased by one. In the event the aforementioned ranking of Election Districts results in a tie among Election Districts being assigned four members or three members or a tie among Election Districts being assigned three members or two members, the assignment shall be made by lot.

(d) In providing for the within composition of the membership of the County Committee and the election of persons thereto, the County Committee relies on its rights guaranteed by the First and Fourteenth Amendments to the United States Constitution, including but not limited to those explicated in decisions of the United States Supreme Court holding that a political party possesses a right to limit its membership as it wishes, *New York State Bd. of Elections v. Lopez Torres*, 552 U.S. 196, 202 (2008); a right to structure its internal party processes, *id.* at 203; the freedom to identify the people who constitute its associating members, *Democratic Party of United States v. Wisconsin ex rel. La Follette*, 450 U.S. 107, 122 (1981); the freedom to join together in furtherance of common political beliefs and the right to broaden the base of public participation in and support for its activities, *Tashjian v. Republican Party of Conn.*, 479 U.S. 208, 214 (1986); and the right to determine the boundaries of its own association and the right to choose the structure which best allows it to pursue its political goals, *id.* at 224.

(e) The provisions of this section shall take effect with the election of members of the County Committee in the primary election to be held in the year 2022, the word "election" in this sentence deemed to include the petitioning process for designating candidates to be elected then. The previously existing provisions of this section shall remain in effect and shall apply to the County Committee as constituted until the organizational meeting of the County Committee in the year 2022.

§3. Vacancies in the membership of the County Committee existing at the time of the organizational meeting shall be filled for the unexpired term by the County Committee. Nominations to fill such vacancies shall be made upon the nomination of five members from the same Assembly District thereof. Vacancies occurring in the membership of the County Committee after the organizational meeting shall be filled by the Assembly District Committee. A person chosen to fill such vacancy shall be an enrolled Democrat qualified for election from the Assembly District in which such vacancy shall have occurred.

§3a. (a) Notwithstanding anything herein to the contrary in these Rules or in the Election Law, vacancies in the membership of the County Committee existing prior to the time of the organizational meeting of the County Committee shall be filled for the

unexpired term by the Executive Committee. Nominations to fill such vacancies shall be made in writing by either of the following methods: (i) upon a majority vote of the Assembly District Committee in and for the Assembly District wherein such vacancy occurs, upon certification by the Chairperson and Secretary of the said Assembly District Committee, (ii) upon the written nomination of five members of the County Committee elected from Election Districts within the Assembly District wherein such vacancy occurs, or (iii) upon the written nomination of a State Committee member elected from the Assembly District wherein such vacancy occurs. Said written nominations shall be submitted to a person at a location and address, by a date and time certain, designated by the Chair of the Executive Committee.

(b) This section shall expire at the commencement of the organizational meeting of the County Committee members elected in the year 2022.

§4. Voting in the County Committee shall be regulated by the following rules:

(a) Each member shall be entitled to one vote, except as hereinafter provided.

(b) Except as otherwise provided by law, a vote by roll call or by ayes and noes in the County Committee shall be taken by a call of Assembly Districts in numerical order. When the Chairperson of such district delegation has ascertained the vote of its individual members, he shall announce the result, which shall be recorded by the Secretary as the vote of the members from said district. However, if objection is made by any member of the County Committee, the membership rolls of the Assembly District from which he is a member shall be called, and the vote as so ascertained shall be recorded.

(c) A member of the County Committee may authorize as his proxy another member of the Committee. Such proxy may be general or limited and must be in writing, signed by the member so authorizing it, and filed with the person designated in the call of the meeting in accordance with the provisions set forth, therein. Such notice may include minimum advance time for filing of proxies and nominations to fill vacancies in the membership of the County Committee, and for the nomination of new officers of the County Committee. A proxy is authorized to act notwithstanding the presence of the person authorizing him to act as such proxy, but said person may, before action is taken thereunder, declare to the Chairperson that said proxy is revoked.

(d) Proxies must be dated and timed when signed in pen and ink and issued to a current member of the County Committee to be valid. Only original proxies shall be accepted for filing.

(e) If more than one proxy is received from a duly accredited member, the last dated and timed proxy, complete in all respects, shall be accepted as valid.

§5. (a) Notwithstanding anything herein to the contrary in these Rules or in the Election Law, in addition to members representing Election Districts, there shall be four members at large of the County Committee for each Assembly District. Said members at large shall be enrolled Democrats residing within the Assembly District for which they are

elected, without regard to how they identify on the gender spectrum and who need not have to declare a male or female sex designation. Such membership positions shall be treated as vacancies as of the date that this section is enacted.

(b) Each member at large of the County Committee shall be entitled to cast one vote at any meeting of the County Committee, at any meeting of the Assembly District Committee of the Assembly District which such member at large represents, and at any meeting of County Committee members provided for in Article VIII, Section 5, Subdivision (b) of these Rules when the Assembly District which said member at large represents contains at least one Election District within the respective political subdivision.

(c) This section shall expire, and the terms of office of the members at large provided for herein shall terminate, at the commencement of the organizational meeting of the County Committee members elected in the year 2022.

### **ARTICLE III**

#### **The County Committee: Organization and Procedure**

§1. The County Committee shall meet no earlier than September seventeenth and no later than October sixth following the June Primary, at such time and place as shall be designated by the Chairperson of the outgoing County Committee or if they shall neglect, fail or refuse to call said meeting, by the Chairperson of the last preceding Executive Committee, and at such meeting shall organize and adopt rules for the government of the Democratic Party of Kings County. The Chairperson is elected by the new County Committee.

At the organizational meeting, the order of business shall be as follows:

1. Call of the Roll
2. Filling of Vacancies
3. Election of Officers
4. Consideration of duly filed Rules Amendment(s)
5. Reports of Standing and Special Committees
6. Open Forum
7. Adjournment

(A) Proposed amendments to the Rules shall include the full text of the amendment to be voted upon at an organizational meeting of the County Committee and shall be in writing signed by a duly elected member of the County Committee as movant, and by five other duly elected members of the County Committee as seconders. Such motions shall be filed with such person at a location and address by a date and time certain specified in the notice of such meeting. The failure to timely file such writing shall be a fatal defect.

§2. (A) After the organizational meeting, there shall be such regular meetings held at such time and place as may be designated by the Chairperson of the County Committee.

(B) Notice of the time and place of all regular meetings of the County Committee must be sent by mail or telegram to each member at least five days before such meetings, and similar notice of all adjournments of such meeting shall be by resolution issuing a call for said meeting. Such notice shall make reference to the official website of the Kings County Democratic Committee for the purpose of providing notice of any and all resolutions which have been properly placed on the Agenda for such meeting as items of New Business.

(C) In addition thereto, there shall be one informal meeting of the County Committee in odd-numbered years for the sole purpose of discussing issues of international, national, state, and local public policy. Said meetings shall be called by either the Chair of the County Committee or the Chair of the Executive Committee and shall not require a quorum to assemble nor shall any vote occur or be taken, thereat. Public proclamation of such gatherings shall be made on the County Committee's website by the Chair calling the meeting at least 28 days in advance. The Executive Committee, for good cause shown, by its majority vote is hereby authorized to reschedule any meeting required by this paragraph. At such public policy meetings, no other business shall be before the County Committee.

(D) Resolutions may be proposed for consideration by the Standing Committee on Resolutions provided that such Resolution is: not addressed to any aspect of the internal governance of the Kings County Democratic County Committee or that of any subcommittee thereof, nor may it direct the conduct of any officer or agent thereof or be construed as a rule or regulation or amendment thereof; be prepared in writing; and submitted to the Chairperson of the Executive Committee at least ten (10) days prior to the meeting for which it is to be presented; and said proposed Resolution contains the following statement which shall be signed by members of the County Committee, as follows: "I hereby propose the foregoing Resolution to be committed to the Standing Committee on Resolutions of this County Committee"; and said proposal is signed by no less than five (5) members of the County Committee from each of no less than five (5) of the seven (7) Assembly District Groups as follows:

- a] 42, 58, 60
- b] 41, 45, 59
- c] 46, 47, 48
- d] 44, 52, 64
- e] 50, 53, 54
- f] 49, 51, 55
- g] 43, 56, 57

No such proposed Resolution may require the expenditure of funds directly or otherwise other than recommending to the Executive Committee that it take such financial action.

§3. Special meetings of the County Committee may be called by the Chairperson thereof to be held at such time and place as he may designate. A special meeting of the County Committee shall be called by the Chairperson within ten days after receipt by him/her of a petition signed by 750 duly elected County Committee Members. Special meetings shall be held not less than five nor more than ten days after such call. Notice of such meetings and adjournments thereof shall be given in the same manner as provided

for regular meetings. The call for a special meetings issued by the Chairperson on his/her own motion shall specify the items to be considered. If the meeting is called in response to a petition, it shall specify the items to be considered. If the meeting is called in response to a petition, it shall specify the items set forth in such petition. In either event, no other matter shall be considered at a special meeting.

§4. A quorum at all meetings of the County Committee for the purpose of transacting any business shall consist of 450 members present in person or by proxy. All action by the County Committee shall require the affirmative vote of a majority of votes cast. In the event a quorum is not present at any meeting, no action other than to adjourn said meeting may be taken.

§5. The Chairperson of the Executive Committee shall, together with the Notice of the Organizational Meeting, send out Proxy forms in the following manner:

a. The proposed Proxy Holder shall be the Chairperson of the Executive Committee or his or her designee. However, the Notice shall leave a blank space after the name of the proposed Proxy Holder for the optional insertion of the name of a member of the County Committee to hold such Proxy. In the event that this space is blank, or the name inserted is not that of a member of the County Committee, not present at the meeting at which he or she has been authorized to act, or is illegible, then the Proxy Holder shall be the Chairperson of the Executive Committee or his or her designee.

§6. All meetings of the entire County Committee shall be open to public viewing, which may be achieved, exclusively, through real time video, or recorded video, and/or audio or video web broadcast. The Chairperson of the Executive Committee may make such arrangements as are reasonable to accommodate the public and to seat them in an area that is separated from voting members of the County Committee. Participation at the County Committee meeting shall be open only to duly elected members of the County Committee.

#### **ARTICLE IV**

##### **Officers of the County Committee**

§1. (A) The County Committee shall elect the following officers: A Chairperson, First Vice-Chairperson, Second Vice-Chairperson, Third Vice-Chairperson, Fourth Vice-Chairperson, Fifth Vice-Chairperson, Sixth Vice-Chairperson, Seventh Vice-Chairperson, Eighth Vice-Chairperson, Secretary, First Assistant Secretary, Second Assistant Secretary, Treasurer, Assistant Treasurer and a Sergeant-at-Arms. A vacancy in any office of the County Committee shall be filled at the next meeting of the County Committee. Pending a meeting of the County Committee, vacancies may be filled by the Executive Committee.

(B) Nominations for election to any office of the County Committee at the organizational meeting, shall be in writing signed by a duly elected member of the County Committee as movant, and by five other members of the County Committee as seconders. Such nominations shall be filed with such person at a location and address by a date and

time certain as specified in the notice of such meeting. Failure to timely file nominations, pursuant to this section shall be a fatal defect.

§2. It shall be the duty of the Chairperson of the County Committee to preside at all meetings of that body, provided however that the Chairperson may appoint one of the other officers of the County Committee or such other person to preside in their place.

§3. (A) It shall be the duty of the Secretary to keep full and accurate minutes of all proceedings of the County Committee, to prepare a roll of the members with their respective places of residence and to notify the members of the time and place of all meetings. In addition he shall perform such duties pertaining to his/her office as may be assigned by the Chairperson.

(B) The First Assistant Secretary and the Second Assistant Secretary shall perform such duties as may be assigned to them by the Secretary, and in his/her absence the ranking Assistant shall exercise all the duties, powers and authority of the Secretary.

§4. (A) The treasurer shall receive and hold in trust funds of the Committee, giving a receipt for same; keep a correct account thereof in book or books provided for that purpose, pay all bills that have been attested by the Secretary or directed to be paid by the Executive Committee except that checks in payment therefore shall be signed by two of the following six officers; The Chairperson of the County Committee, the Vice-Chair of the Executive Committee, the Third Vice-Chairperson of the County Committee, Treasurer, Assistant Treasurer and Secretary of the County Committee; file all bills as vouchers for money paid by that person, render an account of the funds whenever called upon to do so by the County Committee; and at the expiration of his/her term of office, or in his/her removal or inability to act, deliver all books, papers and vouchers, or other property in his/her possession belonging to the County Committee, and pay over all balances in his/her hands to his/her successors, or to the Committee on Finance or to the County Committee, and deposit all moneys in such bank or banks as may be selected by the Executive Committee.

(1) Notwithstanding the foregoing, Committee funds may be expended through electronic bill payment, electronic funds transfer and, in the case of wages, single signatory payroll check, by Treasurer, Assistant Treasurer or by any accountant retained by the Committee on their behalf (who shall be deemed a signatory), by any one of them, provided that no such transaction(s) shall cause any individual payee to receive an aggregate sum exceeding Ten Thousand Dollars (\$10,000.00) within a thirty (30) day period and that each transaction shall be disclosed and reported as if it had been made by check.

(B) Within 60 days after each calendar quarter the Treasurer shall make to the Executive Committee and the Committee on Finance a written report of income and expenses for such quarter. Said report will also be published on KCDC website.

(C) The Assistant Treasurer shall perform such duties as may be assigned to him by the Treasurer or the County Committee and in the absence of the Treasurer shall exercise all the duties, powers and authority of the Treasurer.



§5. It shall be the duty of the Sergeant-at-Arms to assist the Chairperson in preserving and maintain order, and when any member of the Committee shall present himself for admission for the calling of the roll, to announce his name and Assembly District to the Secretary.

## **ARTICLE V**

### **The Executive Committee**

§1. The Executive Committee shall be a standing committee of the County Committee. It shall be composed of State Committee members elected from Kings County, persons elected by the Executive Committee to fill vacancies in its membership resulting from vacancies in the State Committee, and the Chairperson, Secretary, Treasurer, and Assistant Treasurer of the County Committee; except that only those persons who were elected as State Committee members and those persons elected by the Executive Committee to fill vacancies in its membership resulting from vacancies on the State Committee shall be authorized to vote.

§2. (A) The members of the Executive Committee shall meet for the purpose of organization pursuant to the resolution of the County Committee adopted at the organization meeting of the County Committee, and elect as officers a Chairperson, a Vice-Chairperson and a Secretary. The Chairperson and the Vice-Chairperson of the Executive Committee shall be members of the State Committee, except that a person who has served as Chairperson of the Executive Committee of that or any prior Executive Committee shall be eligible to be or hold the office of Chairperson, although not a member of the State Committee. The entitlement to the office of the Chairperson of the Executive Committee shall not be affected by his or her failure to remain a member of the State Committee.

(B) In the event of vacancy in any office of the Executive Committee, a majority of the Executive Committee may fill such vacancy.

§3. (A) During each year, except the months of July and August, there shall be regular bi-monthly meetings of the Executive Committee, on such dates and at such times as may be designated by the Chairperson of the Executive Committee.

(B) Special meetings of the Executive Committee may be called at any time by the Chairperson upon not less than twelve hours notice by telegram, email, text message or telephone. Upon a written request for a special meeting signed by a majority of members of the Executive Committee, the Chairperson, or in his/her absence, the Secretary shall call such special meeting to be held on a date not more than ten days after receipt of such written request.

(C) Notice of the time and place of all regular meetings of the Executive Committee and all special meetings called at the request of a majority of members, and an agenda of matters to be considered thereat, must be sent by mail, email, text message or telegram to each member at least five days before such meetings. Similar notice of all adjournments of such meetings must be sent at least two days prior to such adjourned

meetings.

(D) The Chairperson of the Executive Committee is authorized to convene special meetings via telephone, or teleconference, when, in his or her discretion, the subject matter is either sufficiently limited and/or urgent to forego a meeting requiring the physical presence of the members or their duly appointed proxies. The notice of such special meetings shall be sent via email, telephone or text message on no less than 12 hours notice.

§4. A quorum at all meetings of the Executive Committee for the purpose of transacting any business shall consist of a majority of the members, present in person or by proxy. All action by the Executive Committee shall require the affirmative vote of a majority of votes cast. In the event a quorum is not present at any meeting, no action other than to adjourn said meeting may be taken. Any member of the Executive Committee may place an item on the agenda of any regular meeting by written notice served upon the Chairperson of the Executive Committee at least three days prior to such meeting.

§5. A member of the Executive Committee may authorize as his proxy only another member of the Executive Committee. Such proxy may be general or limited and must be in writing, signed by the member so authorizing it, and filed with the Chairperson of the Committee before action is taken thereunder. A proxy is authorized to act notwithstanding the presence of the person authorizing him to act as such proxy, but said person may, before action is taken thereunder, declare to the Chairperson that said proxy is revoked. Proxies may be filed with the Chairperson by delivering the same in person, by mail or overnight delivery, via facsimile transmission, text message or by email. A facsimile copy of a Proxy, shall be deemed an original for all purposes.

§6. In the event of the resignation, death or removal of a member of the State Committee, the vacancy in the Executive Committee caused thereby shall be filled by the meeting called for such purpose, by electing to the Executive Committee any duly enrolled Democratic voter residing in the Assembly District who need not be a member of the County Committee. The person so elected shall serve for the unexpired term of the vacancy. The Chairperson of the Executive Committee shall, thereafter, pursuant to the Rules of the State Committee, recommend to the State Committee the election to said committee of the person elected to the Executive Committee. If the State Committee shall elect a person other than the person so recommended, such other person shall not be a member of the Executive Committee nor shall he be entitled to vote or participate in the deliberations of the Executive Committee by reason of his membership on the State Committee.

§7. The Executive Committee, at all times when the County Committee is not in actual session, shall have, possess, exercise and enjoy, without any limitation whatsoever, all the rights, privileges, powers and duties which are not by statute vested in or imposed upon said County Committee exclusively and may not be delegated to the Executive Committee.

§8. For the purposes of this section, the members of the Executive Committee

shall constitute a party Committee.

§9. The Chairperson of the Executive Committee is hereby authorized and empowered to direct the Treasurer, Assistant Treasurer or any accountant retained by the Committee on their behalf, of the County Committee, upon a voucher duly signed by him/her, to expend for any lawful purpose any of the political funds of the County Committee whenever in his/her judgment it is considered for the best interests of the Democratic Party of Kings County.

§10. Every voting member of the Executive Committee, notwithstanding any dual membership, shall possess one vote.

§11. Members of the State Committee shall possess the duties, powers and functions of an Assembly District Leader or an Associate Assembly District Leader.

§12. Meetings of the Executive Committee shall be conducted in Public Session, except upon a vote of the majority of the voting members present to proceed in Executive Session, which may be limited to a specific item or items. Proxies may not be used on such a motion unless they specifically so authorize. Notwithstanding the foregoing, meetings of the Executive Committee held for the purpose of endorsing judicial candidates may be held in public session only upon a majority vote of the Executive Committee. No member of the Executive Committee may nominate or cast a vote at such Executive Committee meeting with regard to a judicial endorsement in which a member of his or her immediate family is a candidate in such contest. For purposes of this Section, immediate family shall be defined to include, spouse, domestic partner, child, parent or sibling.

§13. The Executive Committee shall cause to be maintained a functioning website that includes, at least, an up to date list of County Committee members and State Committee members, the governing rules of the County Party, instructions on how to run for the County Committee, all party endorsements of political and judicial candidates and all financial reporting as is required by Article IV, Section 4 (b) of these Rules.

§14. Endorsements and withdrawal of endorsements. The Executive Committee may endorse and/or withdraw the endorsement of candidates for public office and party positions. In the case of endorsements of candidates for judicial office, the Committee shall be bound by any formally adopted policy requiring such candidate to be screened and deemed qualified to be eligible for such endorsement. In all other determinations to endorse or withdraw a previously issued endorsement, the Committee may consider qualifications, reputation, character, public record, ideology, ability to prosecute a campaign, the conduct of the campaign, the assemblage of funds to conduct their campaign or lack thereof and the speech, behavior and conduct of the candidate now and in the past.

§15. Authorizations pursuant to §6-120 of the Election Law. The Executive Committee shall have the exclusive authority to, by a majority vote of those present at such meeting, provided a quorum is present, authorize the designation or nomination of a person as candidate for any public office, situated in whole or in part, within Kings

County who is not enrolled as a member of such party.

§16. The Executive Committee shall approve an annual budget for the County Committee.

## **ARTICLE VI**

### **Committees of the County Committee**

§1. The Executive Committee shall have the following standing committees:

- (1) Committee on Rules
- (2) Committee on Resolutions
- (3) Committee on Law
- (4) Committee on Finance
- (5) Committee on Organization
- (6) Committee on Campaigns and Elections
- (7) Committee on Public Affairs and Legislation
- (8) Committee on Community Services
- (9) Committee on Inter-Group Relations
- (10) Committee on Legislative Reapportionment
- (11) Committee on Labor and Industry
- (12) Committee on Public Education
- (13) Committee on Public Meetings
- (14) Committee on Public Relations
- (15) Advisory Committee

§2. The Chairperson and Vice-Chairperson of each such standing committee shall be appointed by the Chairperson of the Executive Committee, the members of each such standing committee shall be selected by the Chairperson thereof and the Chairperson of the Executive Committee shall be ex-officio a member of all such standing committees. The Chairperson shall be a member of the County Committee.

§3. The members of the Advisory Committee shall be the Chairpersons of all of the other standing committees set forth in Section 1 of this Article. The members of all other committees need not be members of either the Executive Committee or of County Committee, but all such members shall be duly enrolled Democratic electors.

§4. The Committees on Finance and Public Relations shall consist of not more than 10 members.

§5. The standing committees shall have the following duties:

(1) The Committee on Rules shall have the duty to construe these Rules whenever a question as to their interpretation shall be referred to it by the Executive Committee to ensure that the intent and purpose of these Rules shall be fully achieved. it shall consider and report on all proposed amendments referred to it by the County or Executive Committees. The Committee shall meet no less than ten days before the

organization meeting of the County Committee to study and recommend the adoption of the Rules for the County Committee.

(2) The Committee on Resolutions shall have the duty to prepare such resolutions as may be directed by the County or Executive Committees. The Committee shall consider and report on such resolutions as may be referred to it by either of said committees. Every resolution to be considered by the Kings County Democratic County Committee shall be first submitted to the Committee on Resolutions and approved by a majority vote of the members, thereof, before being eligible for consideration by any other Standing Committee or by the County Committee.

(3) The Committee on Law shall have the duty to advise the County Committee, the Executive Committee, or any committee or any officer of either of them, on any question of law relating to the discharge of its or his duty. The Committee shall consider and report on any matters that may be referred to it by the County or Executive Committee, it shall investigate all reports of violations of duty by election officials, or by officers of the County Committee, the Executive Committee or any committee of either of them.

(4) The Committee on Finance shall ensure compliance with the budget approved by the Executive Committee and procure the necessary funds to defray the expenses of the County Committee. The Executive Committee and the Committee on Finance shall meet at least once per year for this purpose. The meeting shall be recorded and within 5 days of the meeting the recording shall be made available to the County Committee members. The Committee shall keep an accurate account of all monies received by it and pay the same to the Treasurer of the County Committee.

(5) The Committee on Organization shall have the duty to assist the proper officers of the County Committee and Executive Committee to prepare and file as authorized and required by law, original, supplemental and additional lists of Democratic electors duly qualified to serve as election officials. The Committee shall perform such other duties as may be referred to it from time to time.

(6) The Committee on Campaigns and Elections shall have the duty to plan and recommend all activities of the Executive Committee in all general elections, including the preparation and distribution of campaign material and literature. The Committee shall perform such other duties pertaining to elections as may be referred to it from time to time.

(7) The Committee on Public Affairs and Legislation shall have the duty to consider and report to the Executive Committee on National, State and Municipal affairs affecting the political, social and economic interests of the community. When directed by the Executive Committee, the Committee shall sponsor and promote legislation regarding such matters. The Committee shall confer with duly elected Democratic members of the City, State and Federal legislatures for the purpose of determining policy and exchanging views on problems of current interest and need. The Committee shall seek to arrange not less than two such conferences annually with each group of legislators.

(8) The Committee on Community Services shall have the duty to study and, when appropriate, to recommend action on such matters as: rent control, housing, education, human relations, senior citizens, law enforcement and such other matters as the Executive Committee shall from time to time direct. The Committee shall develop, carry out and coordinate programs and facilities to enable the Democratic Party to better serve the people of Kings County. The Chairperson, Vice-Chairperson, or any other member of the Committee, when designated by the Chairperson of the Executive Committee, shall attend public hearings held by City, State and Federal agencies concerning matters within the purview of the Committee.

(9) The Committee on Inter-Group Relations shall have the duty to study and recommend programs for the advancement of social and political integration. All communications and recommendations from groups and individuals for the implementation of such programs shall be referred to it. The Committee shall also consider and report to the Executive Committee on matters affecting the relations of groups within the community with suggestions as to how more harmonious relations may be fostered.

(10) The Committee on Legislative Reapportionment shall have the duty to study and compile information regarding the apportionment of Legislative Districts on the National, State and Local levels and shall make such findings and recommendations as are necessary to assure the proper and legal representation of all citizens.

(11) The Committee on Labor and Industry shall have the duty to study and recommend programs to advance the economic growth of Kings County. It shall also consider the problems of employment, workmen's compensation, minimum wages, working conditions and other related matters. The committee shall confer with representatives of industry and organized labor and shall recommend to the Executive Committee programs concerning the economic future of the County of Kings. This committee is authorized to conduct such hearings as are necessary to properly study and make findings concerning the matters within its jurisdiction.

(12) The Committee on Public Education shall have the duty to study and recommend such activity as is necessary to promote the educational programs in the County of Kings. The committee shall consider all levels of education including higher education. It shall have the power to make recommendations concerning the capital construction program for educational facilities on a City and State level and all matters of State and Federal aid to education including the related formulas upon which such aid is based.

(13) The Committee on Public Meetings shall have the duty to prepare a list of persons who will be available to speak at district and other meetings. The Committee shall also ascertain the names of all civic educational and philanthropic organizations within the County of Kings and communicate with each such organization to offer without charge speakers to attend meetings of said organizations.

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

(15) The Advisory Committee shall have the duty to consider matters of current political, economic and social interest affecting the County of Kings and to recommend to the Executive Committee programs implementing the policy of the Executive Committee and of the standing committees thereof, in regard to matters within its jurisdiction. It shall meet periodically. The Chairperson of the Executive Committee, or in his/her absence, the Vice - Chairperson, shall preside at all meetings of the Advisory Committee.

## **ARTICLE VII**

### **The Assembly District Committees**

§1. There is hereby established in each Assembly District an Assembly District Committee which shall be a standing committee of the County Committee.

§2. Each Assembly District Committee shall have the general care and supervision of the affairs of the Democratic Party within such district, under the direction and cooperation with the County Committee, and shall have the charge of the campaign within its district. Each Assembly District Committee shall at all times maintain a headquarters.

§3. Each Assembly District Committee may meet and organize within 30 days after the organization meeting of the County Committee. It shall meet at such time and place as shall be designated jointly by the members of the State Committee from the Assembly District. In the event that no such joint notice of meeting is issued, the meeting shall be called by the Chairperson of the Executive Committee who shall also designate the person to call the meeting to order and preside thereat until the election of a Chairperson.

§4. (A) Regular meetings of the Assembly District Committee shall be held, as the business of the Committee may require, at a time and place designated by the Chairperson. There shall be, however, not less than two regular meetings of the Committee each year, including the organization meeting.

(B) Notice of the time and place of all regular meetings of the Assembly District Committee must be sent by mail or telegram to each member at least five days before such meetings, and similar notice of all adjournments of such meetings must be sent at least two days prior to such adjourned meetings.

§5. Special meetings of the Assembly District Committee may be called by the Chairperson thereof to be held at such time and place as said Chairperson may designate. Within ten days after receipt by the Chairperson of a petition signed by one-fourth of the whole number of the members of the Assembly District Committee, said Chairperson must call a special meeting. Special meetings shall be held not less than five nor more than ten days after such call. Notice of such meetings and adjournments thereof shall be given in the same manner as provided for regular meetings. The call for a special meeting used by the Chairperson on said Chairperson's own motion shall specify the

items set forth in such petition. In either event, no other matter shall be considered at a special meeting. If the Chairperson is absent or refuses to call a special meeting, such meeting shall be called jointly by the members of the Executive Committee from the Assembly District. In the event that no such joint notice of meeting is issued, the meeting shall be called by the Chairperson of the Executive Committee who shall also designate the person to call the meeting to order and preside thereat until the election of a Chairperson.

§6. A quorum at all meetings of the Assembly District Committee for the purpose of transacting any business shall consist of one-third of the membership of said Committee present in person or by proxy. All action by the Assembly District Committee shall require the affirmative vote of a majority of votes cast. In the event a quorum is not present at any meeting, no action other than to adjourn said meeting may be taken.

§7. Each Assembly District Committee shall have the power to establish rules for its conduct and activities subject to the Rules of the County Committee. Provided, however, that notwithstanding any provision in the Rules of the County Committee, each Assembly District Committee shall have the power to abolish, limit or otherwise restrict the use of proxies at meetings of the Assembly District Committee by rule duly passed to that effect.

§8. Each Assembly district Committee shall elect a Chairperson, Vice-Chairperson, Secretary, Treasurer and such other officers as the rules of such Committee provide. These officers shall perform the duties usually belonging to said officers and such other duties as may be assigned to them by the Assembly District Committee.

§9. Each Assembly District Committee shall provide in its rules for such standing committees as it deems proper, along with a description of their powers and duties.

§10. The Secretary of each Assembly District Committee shall certify to the Secretary of the County Committee a copy of its rules, the names and addresses of elected officers, and minutes of meetings, and shall provide notice to the Secretary of the County Committee of any scheduled meeting.

§11. The Chairperson of the Executive Committee of the County Committee may, at any time after the organization meeting of the County Committee, appoint special committees of three members of the Executive Committee to organize an Assembly District Committee in any Assembly District which has failed to organize.

## **ARTICLE VIII**

### **Primaries, Conventions, Special Nominations and Organization of New Assembly Districts**

§1. An official primary election shall be held in each year on such date and between such hours as shall be provided in the Election Law. At such primary, candidates for public office shall be nominated.



§2. In each even numbered year, members of party committees to be elected by the direct vote of the duly enrolled Democratic voters shall be elected at the primary elections.

§3. In years when a President and Vice-President of the United States are to be elected, a primary election shall be held on such date and between such hours as shall be provided in the Election Law. At such primary, there shall be elected delegates and alternate delegates from Kings County to the National Democratic Convention to nominate candidates for President and Vice-President of the United States, as the Rules of the Democratic Party may prescribe.

§4. Unofficial primary elections may be called from time to time by the County Committee.

§5. Vacancies in nominations for public office and nominations to fill vacancies in public office occurring too late to be filled by primary election or by convention, and all other nominations which may under the Election Law be filled by such committee as the Rules of the Party provide, shall be filled in accordance with the following rules:

(a) In the event that the vacancy occurs as to a public office to be voted for by the electors of the entire county, it shall be filled by the members of the Executive Committee at a regular meeting or at a special meeting to be called for said purpose.

(b) In the event that the vacancy occurs in a political subdivision wholly in the County of Kings, it shall be filled by the members of the County Committee in said political subdivision at a regular meeting or at a special meeting to be called for said purpose.

(c) Vacancies occurring in nominations where candidates are to be voted for by the electors from more than one county, shall be filled in the manner prescribed by the State Committee.

(d) A special meeting of members of the County Committee from any political subdivision for the purpose of filling vacancies in accordance with this Section, shall be called by the Chairperson of the Executive Committee. Notice of the time and place of such special meeting shall be sent by mail or telegram to each member of the County Committee not less than two days before such meeting notwithstanding any other provision of these Rules. A special meeting of the Assembly District Committee to fill a vacancy as to a public office to be voted for by the electors of the Assembly District, shall be called by the Chairperson of the Assembly District Committee giving the same notice.

## **ARTICLE IX**

### **Discipline**

§1. An application for the removal of a member of a party committee for disloyalty to the Democratic Party, corruption in office, or enrollment in another party, must be accompanied by written charges, duly verified by the complainant, stating his place of residence and specifying in detail the acts of which it is claimed the person charged is guilty. Such charges and specifications shall be presented to the County Committee and shall be at once referred, without debate, to a special committee of five members of the County Committee appointed by the Chairperson. Such committee shall give not less than five days notice by mail or telegram of the time and place for the hearing, and shall cause a copy of the charges and specifications to be served upon the accused. The complainant shall receive like notices. Such notices shall be sent to the accused at his place of residence as stated in the official roll or in the books of the County Committee, and to the complainant at the address given in his complaint. Each party shall be required to produce his witnesses and any documentary evidence that he may have before such committee. The committee shall proceed with the hearing with all convenient speed and report its findings to the County Committee for its action.

§2. Any officer of the County Committee and Assembly District Committee may be removed upon the vote of two-thirds of the members of such committee authorized to vote at a special meeting to be called for such purpose. Any officer of the Executive Committee may be removed upon the vote of two-thirds of the members of the Executive Committee, at a special meeting to be called for such purpose. No less than ten days prior to any meeting at which such action is to be taken, notice in writing shall be sent by mail to every member of the committee at which such action is to be considered. Said notice shall contain the purpose for which the special meeting is called.

§3. An application made by a voter to have the name of a person stricken from the enrollment books, pursuant to the Election Law, as not being in sympathy with the principles of the Democratic Party, must be supported by oral proof or by affidavit respecting the acts charged, and must be presented to the Chairperson of the County Committee at least thirty days before a primary election, but the Chairperson may in his or her discretion entertain an application presented within a lesser period before a primary election. The procedure prescribed by the Election Law, which regulates this matter, must, however, be complied with.

§4. In any proceedings or hearings provided for in Sections 1 and 3 of this Article, the accused member or voter shall at all times be entitled to representation by counsel. Any person removed in accordance herewith shall be precluded from holding a party or committee office or position and shall not be eligible for nomination in party primaries for a period not to exceed five (5) years from the date of removal.

§5. The County Committee may not endorse any candidate, nor provide material assistance to, any candidate for public office or party position who has been convicted of a felony related to corruption or malfeasance in public office or political party position.

## **ARTICLE X**

### **Amendments**

§1. These Rules may be amended from time to time by a majority of the members of the County Committee or when the County Committee is not in session, by a majority of the members of the Executive Committee present at a meeting at which there is a quorum, provided a copy of the proposed amendments shall be sent with the notice of the meeting at which such amendments are to be proposed, such notice to be not less than five days before such meeting, and to be mailed to the post office address of each member of the Committee.

§2. These Rules shall continue in effect until amended or repealed, pursuant to this Article, and, filed with the State Board of Elections and the Board of Elections in the City of New York, pursuant to §2-114 of the Election Law.

## **ARTICLE XI**

### **Indemnification**

§1. To the extent not prohibited by law, the Committee shall indemnify any person who is, was, or is threatened to be made a party in any proceeding, or is otherwise made subject to legal process or in need of legal representation, by reason of the fact that such person (or a person, of whom such person is a legal representative) is or was an officer or employee of the Committee, which is alleged to be arising out of any action or nonaction of such person in connection with the activities of the Committee, against all sums, fees, and expenses of any kind (including, but not limited to, judgments, amounts paid in settlement, and attorneys' fees and costs), except that such person shall not be indemnified if a final adjudication establishes either (1) that such person's actions were committed in bad faith or were the result of active and deliberate dishonesty, or (2) that such person gained a personal financial profit to which such person was not legally entitled. To the extent not prohibited by law, the Committee shall advance or reimburse any funds to any person entitled to an indemnity for the payment of such sums, fees, and expenses of any kind (including, but not limited to, judgments, amounts paid in settlement, and attorneys' fees and costs), and shall have the power to purchase and maintain insurance to indemnify itself for any obligation incurred as a result of this indemnification and to indemnify any officer or employee of the Committee in instances when such a person is entitled to an indemnification.

## **ARTICLE XIII**

### **Severability**

§1. If any clause, sentence, paragraph, subdivision, section, rule, or part of these rules, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, rule or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

## **RULES OF ORDER**

### **Rule I**

The following shall be the order of business at meetings of all party committees except at the organization meeting thereof.

1. Calling of the Roll
2. Reading the Minutes of the Last Meeting
3. Reports of Standing Committees
4. Reports of Special Committees
5. Reports of Treasurer and Secretary
6. Miscellaneous and Unfinished Business
7. New Business
8. Adjournment

### **Rule II**

When the minutes of the preceding meeting shall have been read, errors therein, if any, may be corrected.

### **Rule III**

The presiding officer shall preserve order and decorum and decide all questions of order, subject to an appeal to the committee.

### **Rule IV**

All motions and addresses shall be made to the presiding officer, the member rising in his seat.

### **Rule V**

No motion shall be debated or moved until seconded, but all motions shall be considered as seconded until the mover thereof yields the floor.

### **Rule VI**

When the motion is seconded, it shall be stated by the presiding officer, before debate, and every motion shall be reduced to writing on the request of the presiding officer or of any member.

### **Rule VII**

On any question taken, the ayes and noes shall be entered, if required by a majority of the members present at a meeting, a quorum being present.

### **Rule VIII**

While a member is speaking he shall not be interrupted, except to be called to order, when he shall sit down until the point of order is decided.

### **Rule IX**

At every meeting of the County Committee, debate shall be limited to 2 minutes per speaker, and divided equally between proponents and opponents and the Chair of the meeting is hereby authorized to fix the maximum time for any such debate.

### **Rule X**

A motion to overturn the decision of the Chair shall require a vote of two-thirds of those members present and voting.

### **Rule XI**

Motions to Limit or extend the limits of debate, Suspend the Rules of Order, Previous Question, Objection to Consideration of the question and to Close Nominations shall require a majority vote of those members present and voting.

### **Rule XII**

No vote may be taken by secret ballot at any meeting.

### **Rule XIII**

At the discretion of the Chair of the Executive Committee, voting at any meeting of the County Committee may be conducted by electronic voting, electronic ballot scanning and/or signed paper ballot. Any voting procedure which is capable of recording the actual vote of the member so voting, shall be deemed a roll call vote and further division of the house shall be prohibited.

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## **Code of Ethics**

- I. Statement of Principles.
- II. Definitions.
- III. County Committee Ethics Commission.
- IV. Conflict of Interest.
- V. Dual Office-Holding.
- VI. Financial Disclosure.
- VII. Certificate of Party Leaders.
- VIII. Penalties.
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### **I. Statement of Principles.**

Public trust in party leadership is essential if the Democratic Party in New York City and Kings County 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 this Code of Ethics 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.

### **II. Definitions.**

"Code of Ethics" - The Democratic Party Model Code of Ethics, as set forth herein and as may be amended from time to time.

"County Committee" - The Kings County Democratic County Committee

"Committee Ethics Commission" - The Kings County Democratic County Committee Ethics Commission, as created pursuant to this Code of Ethics.

"Compensation" - Any money, thing of value or financial benefit conferred in return for services rendered or to be rendered. With regard to matters undertaken by a firm, corporation or association, Compensation shall mean net revenues, as defined in accordance with generally accepted accounting principles as applied by the State Ethics Commission.

"Legislative Body" -The New York State Assembly or Senate, any county or municipal legislative body or any board of estimate.

"Licensing" - Any State Agency, New York City Agency or Other Local Agency activity, other than before the Division of Corporations and State Records in the Department of State, respecting the grant, denial, renewal, revocation, enforcement, suspension, annulment, withdrawal, recall, cancellation or amendment of a license, permit or other form of permission conferring the right or privilege to engage in (i) a profession, trade, or occupation or (ii) any business or activity regulated by a Regulatory Agency (or, with respect to any New York City Agency activity, a regulatory agency of a New York City Agency), which in the absence of such license, permit or other form of permission would be prohibited.

"Ministerial Matter" -An administrative act carried out in a prescribed manner not allowing for substantial personal discretion.

"New York City Agency" -A city, county, borough or other office, position, administration, department, division, bureau, board, commission, authority, corporation or other agency of government, the expenses of which are paid in whole or in part from the New York City treasury, and shall include the Board of Education, the Board of Higher Education, school boards, city and community colleges, community boards, the New York City Transit Authority, the New York City Housing Authority and the Triborough Bridge and Tunnel Authority, but shall not include any court or corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility.

"Other Local Agency" - Any county, city, town, village, school district or district corporation, or any agency, department, division, board, commission or bureau thereof; and any public benefit corporation or public authority not included in the definition of State Agency; but not including any New York City Agency or any entity expressly excluded from the definition of New York City Agency.

"Party Leader" - (a) Each chair or acting chair of the County Committee;

(b) each person (usually designated by the rules of a county committee as the "county leader" or "chairperson of the executive committee") by whatever title designated, who pursuant to the rules of the County Committee or in actual practice, possesses or performs any or all of the following duties or roles:

(i) the principal political, executive and administrative officer of the County Committee;

(ii) the power of general management over the affairs of the County Committee;

(iii) the power to exercise the powers of the Chair of the County Committee as provided for in the rules of the County Committee;

(iv) the power to preside at all meetings of the Executive Committee of the County Committee, if such Executive Committee is created by the rules of the County Committee or exists de facto, or any other committee or subcommittee of the county vested by such rules with or having de facto the power of general management over the affairs of the County Committee at times when the County Committee is not in actual session;

(v) the power to call a meeting of the County Committee or of any committee or subcommittee vested with the rights, powers, duties or privileges of the County Committee pursuant to the rules of the County Committee, for the purpose of filling an office at a special election in accordance with §6-114 of the Election Law, for the purpose of filling a vacancy in accordance with §6-116 of such law; or

(vi) the power to direct the treasurer of the County Committee to expend funds of the County Committee;

(c) each leader or co-leader of each assembly district within Kings County;

(d) each officer serving the County Committee in a full-time capacity; and

(e) each managerial employee and professional employee performing duties of a policy-making nature and serving the County Committee in a full-time capacity.

“Regulatory Agency” - The Banking Department, Insurance Department, State Liquor Authority, Department of Agriculture and Markets, Department of Education, Department of Environmental Conservation, Department of Health, Division of Housing and Community Renewal, Department of State (other than the Division of Corporations and State Records), Department of Public Service, the Industrial Board of Appeals in the Department of Labor and the Department of Law.

“Representative Capacity” - The presentation of the interests of a client or other person pursuant to an agreement, express or implied, for Compensation for services.

“State Agency” - Any state department, or division, board, commission, or bureau of any state department, any public benefit corporation, public authority or commission



at least one of whose members is appointed by the Governor, or the State University of New York or the City University of New York, including all their constituent units except community colleges and the independent institutions operating statutory or contract colleges on behalf of the State.

“State Ethics Commission”—The State Ethics Commission established pursuant to §94 of the Executive Law.

### III. County Committee Ethics Commission.

§1. a. The Committee Ethics Commission shall consist of five enrolled Democrats residing within Kings County, serving terms of four years each (except that the first terms of two of the initial members shall be six years each) with no more than three terms expiring during the same year. No Party Leader of the County Committee, no more than one member of Executive Committee of the County Committee and no more than one officer of the County Committee shall serve as a member of the Committee Ethics Commission. Committee Ethics Commission members shall be nominated by the Chair of the County Committee and appointed with the approval of the County Committee or its Executive Committee. The Chair of the County Committee shall designate a Commission chair from among the Committee Ethics Commission members and act promptly to nominate persons to fill vacancies on the Committee Ethics Commission as they arise. The members of the Committee Ethics Commission may be removed by the Chair of the County Committee for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of this Code of Ethics, after written notice and opportunity for a reply. The Committee Ethics Commission may appoint a counsel to serve at its discretion and may employ other employees or consultants within the budget set by the County Committee.

b. The Committee Ethics Commission shall be bound by this Code of Ethics in the administration of hearings and the rendering of decisions and shall maintain for public inspection all disclosures filed under Article IV of this Code. The Committee Ethics Commission may establish rules for the Commission governing standing, jurisdiction and the right of appeal.

### §2. Complaints.

a. Any enrolled Democrat (the “Complainant”) may submit to the Committee Ethics Commission (privately and without any public release or announcement with respect thereto) a written complaint (a “Complaint”) alleging a specific violation of the Code of Ethics by a Party Leader (the “Respondent”).

b. The Committee Ethics Commission may independently initiate a Complaint alleging a specific violation of the Code of Ethics by a Party Leader (the “Respondent”).

### §3. Hearings.

a. Upon receipt or initiation of a Complaint, the Committee Ethics Commission shall promptly give the Respondent a copy thereof.

b. Within 15 days of receipt of the copy of such Complaint, the Respondent may submit a written response to the Committee Ethics Commission. Promptly thereafter (and in no case later than 30 days after the conclusion of such 15-day period), the Committee Ethics Commission may, in its discretion, dismiss the Complaint, issue a reprimand or admonition to the Respondent or schedule a hearing on the merits of the Complaint, except that if the Respondent, in his or her response, requests that a hearing be held, then the Committee Ethics Commission shall schedule such a hearing. The Committee Ethics Commission shall dismiss and take action to discourage unfounded or frivolous Complaints.

c. If a hearing is to be held, then, - at least 15 days prior to the date scheduled by the Committee Ethics Commission, the Complainant, if any, and Respondent shall each be notified of the time, date and place of such hearing.

d. Hearings shall be private, unless the Respondent requests otherwise, but all reprimands, admonitions, penalties and other determinations adverse to the Respondent shall be made public by the Committee Ethics Commission.

e. In conducting a hearing, the Committee Ethics Commission may request written or oral testimony. The Respondent may present written or oral testimony on his or her behalf and will be entitled to have counsel present at such hearing.

f. A quorum of at least four members of the Committee Ethics Commission shall be present at any hearing.

g. A majority vote of all the members of the Committee Ethics Commission shall be required to make any determination with respect to a Respondent, including determinations made as a result of a hearing.

h. If the Committee Ethics Commission has made an adverse determination with respect to a Respondent, and the vote for such determination was not unanimous, the Respondent may, within 30 days of such determination, appeal such determination to the County Committee or, at the Respondent's election, to its Executive Committee.

#### §4. Advisory Opinions.

a. The Committee Ethics Commission 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 Code of Ethics. Records of all public advisory opinions shall be kept by the Committee Ethics Commission for consultation, as appropriate, by enrolled Democrats.

b. Any Party Leader 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 Ethics Commission.

#### IV. Conflict of Interest.

§1. No Party Leader, no firm or association in which such Party Leader is a member and no corporation, ten per centum or more of the stock of which is owned or controlled directly or indirectly by such Party Leader, during the Party Leader's tenure in office shall:

a. receive, directly or indirectly, or enter into any agreement express or implied for, any Compensation, in whatever form, for the appearance or rendition of services (whether by such Party Leader, firm, association, corporation or another) (x) in relation to any bill, resolution or other matter before any Legislative Body or (y) in relation to any case, proceeding, application or other matter before any State Agency, New York City Agency or Other Local Agency where such appearance or rendition of services before such State Agency, New York City Agency or Other Local Agency is in connection with:

(i) the purchase, sale, rental or lease of real property, goods or services, or a contract therefor, from, to or with any such Agency;

(ii) any proceeding relating to rate-making;

(iii) the adoption or repeal of any rule or regulation having the force and effect of law;

(iv) the obtaining of grants of money or loans;

(v) Licensing; or

(vi) any proceeding relating to a franchise provided for in the Public Service Law;

provided, however, that with regard to this Subsection IV.1.a.:

(A) nothing shall prohibit (x) a leader or co-leader of any assembly district (or any firm or association in which such person is a member or a corporation in which such person is a shareholder) from appearing or rendering services in relation to any matter before a State Agency; or (y) a leader or co-leader of any assembly district (or any firm or association in which such person is a member or a corporation in which such person is a shareholder) from appearing or rendering services in relation to any matter before a Legislative Body or a New York City Agency or Other Local Agency; or (z) any other Party Leader (or any firm or association in which such person is a member or a corporation in which such person is a shareholder) from appearing or rendering

services in relation to any matter before (i) a Legislative Body whose jurisdiction is co-extensive with that of the State, a county other than Kings County or any other political subdivision outside New York City or (ii) an Other Local Agency if, in the case of either (y) or (z):

(1) the identity of the source of such Compensation, the identity of such Party Leader (including his or her party position) and the fact of such representation are promptly disclosed in writing to the Committee Ethics Commission; and

(2) the Compensation received for such appearance or rendition is not contingent upon the success of any enterprise or the success of any case, proceeding, application or other matter pending before such Agency or bill, resolution or other matter before such Legislative Body; for purposes of this paragraph (2), such Compensation includes an equity interest in a venture dependent for its success upon government action, including the approval of such case, proceeding, application, bill, resolution or other matter, or a venture in any other way contingent upon the success of such appearance or rendition of services; and

(3) any such case, proceeding, application or other matter involving the sale or lease by or to such Agency of any goods, services or real property is subject to reasonable public notice and competitive bidding or other selection process unrelated to the use of undue or improper influence;

(B) nothing shall prohibit such Party Leader, firm, association or corporation from appearing before a State Agency, New York City Agency or Other Local Agency in a Representative Capacity if such appearance in a Representative Capacity is in connection with a Ministerial Matter;

(C) nothing shall prohibit such Party Leader from Participating in or advocating any matter in an official capacity; and

(D) a Party Leader who is a member, associate, retired member, of counsel to, or shareholder of any firm, association or corporation shall not be deemed to have made an appearance or to have rendered services solely by the submission to a State Agency, New York City Agency, Other Local Agency or Legislative Body of any printed material or document bearing his or her name, but unsigned by him or her, such as by limited illustrations the name of the firm, association or corporation on the letterhead of any stationery, which pro forma serves only as an indication that he or she is a member, associate, retired member, of counsel to or shareholder;

b. (x) sell any goods or services having a value in excess of \$25 to any State Agency, New York City Agency or Other Local Agency or (y) contract for or provide such services with or to any private entity where the power to contract, appoint or retain on behalf of such private entity is exercised, directly or indirectly, by a State Agency, New York City Agency or Other Local Agency or officer thereof, unless such

goods or services are provided pursuant to an award or contract let after public notice and competitive bidding; provided, however, that (i) with respect to sales to Other Local Agencies by such Party Leader, firm, association or corporation and (ii) with respect to sales to State Agencies or New York City Agencies by leaders or co-leaders of assembly districts (or any firm or association in which such person is a member or a corporation of which such person is a shareholder), such goods or services may be provided pursuant to another selection process unrelated to the use of undue or improper influence; and provided further, however, that this Subsection IV.I.b. shall not apply to the publication of resolutions, advertisements or other legal propositions or notices in newspapers designated pursuant to law for such purpose and for which the rates are fixed pursuant to law; or

c. accept, directly or indirectly, for such Party Leader's personal gain, anything of value, whether in the form of a service, loan, gift, promise, or contribution to his or her campaign for party office in excess of \$100, from any person, firm, association, corporation or other entity which to his or her knowledge has a financial interest in the outcome of any pending County Committee decision, contract, policy or appointment; provided, however, that nothing contained in this § IV.I. shall be construed or applied to prohibit any such firm, association or corporation from appearing, practicing, communicating or otherwise rendering services in relation to any matter before, or transacting business with any State Agency, New York City Agency or Other Local Agency or Legislative Body, where such Party Leader does not share in the net revenues (as defined in accordance with generally accepted accounting principles as applied by the State Ethics Commission) resulting therefrom, or, acting in good faith, reasonably believed that he or she would not share in the net revenues as so defined.

§2. Notwithstanding and in addition to the foregoing provisions of § IV.I.,

a. No Party Leader who is a member, associate, retired member, of counsel to or shareholder of any firm, association or corporation which is appearing or rendering services in connection with any case, proceeding, application or other matter listed in Subsection IV.I.a. shall orally communicate, with or without Compensation, as to the merits of such cause with an officer or an employee of the Agency concerned with the matter; and

b. No Party Leader shall use or attempt to use his or her party position as a means of undue or improper influence to secure from any State Agency, New York City Agency or Other Local Agency for him or herself or others with whom he or she has a family, employment or business or financial relationship any benefits, privileges or exemptions not generally available to members of the public.

V. Dual Office Holding.

No Party Leader, during his or her tenure in such office, shall simultaneously:

- a. hold any appointive office of a policy-making nature in the executive branch of either the federal or state government; or
- b. hold or seek any state—wide elective public office; or
- c. hold or seek any city-wide elective public office in New York City or the Presidency of the Borough of Brooklyn; or
- d. 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.

VI. Financial Disclosure.

To the extent covered thereby, each Party Leader shall comply with the applicable provisions regarding financial disclosure contained in § 73-a of the Public Officers Law, § 812 of the General Municipal Law or such other law, ordinance or resolution requiring financial disclosure by such Party Leader.

VII. Certification of Party Leaders.

Promptly after a Party Leader's election or appointment to Party office, the Committee Ethics Commission shall provide such Party Leader with a copy of this Code of Ethics together with such other material as the Committee Ethics Commission may prepare related thereto. Within 10 :days of receipt of the Code of Ethics, a Party Leader shall file with the Committee Ethics Commission a certificate (in the form attached hereto as Annex A) acknowledging receipt of the Code of Ethics and any other materials prepared by the Committee Ethics Commission related thereto, and that he or she has read the same and undertakes to conform to the provisions, purposes and intent thereof and to the norms of conduct for leaders of the Democratic Party.

VIII. Penalties.

§1. The Committee Ethics Commission, within two weeks of its being notified or otherwise learning of the issuance, filing or serving of a complaint, information, indictment or other instrument charging a Party Leader with any criminal offense, shall, after notice to the Party Leader, hold a hearing as to whether such offense is of the type that, upon conviction thereof and pursuant to § 2 of this Article VIII, the party office of such Party Leader shall automatically become vacant, and, upon a determination that such crime or offense is of such type, such Party Leader shall automatically and immediately be suspended from party office pending final adjudication of his or her case.

§2. The party office of any Party Leader convicted 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 shall automatically become vacant immediately upon such conviction.

§3. Pursuant to the procedures set forth in Article III above, a Party Leader may, in the Committee Ethics Commission's discretion, be reprimanded, admonished or suspended or removed from party office by a determination by the Committee Ethics Commission of a violation by such Party Leader of the Code of Ethics.

§4. A Party Leader who, pursuant to this Article VIII, is removed from office for a violation of the Code of Ethics, or for conviction of a crime included in § 2 of this Article VIII, may not hold party office for five years from the date of removal, or, if later and if such Party Leader was convicted of such a crime and sentenced to imprisonment, from the date of expiration of his or her maximum sentence of imprisonment or discharge from parole.

IX. Revision and Amendment.

The Committee Ethics Commission shall review the provisions of the Code of Ethics from time to time and recommend to the County Committee such changes or additions as it may consider appropriate or desirable.

X. Effective Date.

The provisions of this Code of Ethics shall apply to a Party Leader effective January 1, 1989; provided, however, that (1) the provisions of Subsection IV.l.a. shall not apply to the appearance or rendition of services before a State Agency, New York Agency, Other Local Agency or Legislative Body where the Party Leader, firm, association or corporation subject to such provisions was substantially and actively involved in the case, proceeding, application or other matter, or transaction of business as of January 1, 1988 and substitution of new counsel would impose substantial hardship on the client and (2) nothing contained in Subsection V.c. shall be applied to prohibit a Party Leader from simultaneously holding any of the public offices specified therein if such Party Leader holds such party office and public office as of the date on which this Code of Ethics is adopted and continues to hold each such office for consecutive successive terms thereafter.

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ANNEX A

DEMOCRATIC PARTY OF THE STATE OF NEW YORK

Certificate of Party Leader

COUNTY OF \_\_\_\_\_

STATE OF NEW YORK

I, \_\_\_\_\_, having been duly sworn, hereby certify that I am currently an enrolled member of the Democratic Party; that I am qualified under the Constitution and laws of the State of New York and the Rules of the New York State Democratic Party to hold the party office to which I have been elected; that I acknowledge receipt of a copy of the Code of Ethics of the Kings County Democratic County Committee and the Democratic Party of the State of New York; that I have read the same and undertake to conform to the provisions, purposes and intent thereof and to the norms of conduct for leaders of the Democratic Party.

\_\_\_\_\_  
Sworn to and subscribed to  
before me this \_\_\_\_\_ day of  
\_\_\_\_\_ 20\_\_ at \_\_\_\_\_  
County, New York.

\_\_\_\_\_  
Signature of Notary Public

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