

RULES OF THE ALBANY COUNTY DEMOCRATIC COMMITTEE

As amended on April 26, 2006 [and as effective September 25, 2008]

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ARTICLE I - GENERAL PROVISIONS

SECTION 1. PURPOSE. The County Committee of the Democratic Party of the County of Albany, New York, hereinafter referred to as the County Committee, shall represent the enrolled members of the Democratic Party in Albany County and shall be the general committee of the Party within the County. The County Committee is created for the purposes of electing qualified Democrats to public office at the local, county, state and national levels, to broaden citizen understanding of the principles of the Democratic Party and their application to the conduct of government, to stimulate citizen participation in political and governmental activity, to assure the common good and to encourage high standards of competence and ethics in political practice and public office.

SECTION 2. POWERS AND DUTIES. The County Committee is constituted as provided by law for the administration of the affairs of the Democratic Party in Albany County and shall exercise the powers and perform the duties conferred upon it by law, and/or by these rules and amendments thereof, as a whole when in session, and by such other committees in the interim between sessions as may be hereinafter provided.

SECTION 3. BASIS OF ORGANIZATION. The basis of the organization of the Democratic Party in the County of Albany shall be the duly enrolled Democratic voters of every election district within the County.

SECTION 4. UNIT OF REPRESENTATION. The unit of representation shall be the election district and representation in the County Committee shall consist of two (2) members elected from each election district as provided by the Election Law.

SECTION 5. NON-DISCRIMINATION. Discrimination in the conduct of all party affairs of the Albany County Democratic Committee, as defined herein below, on the basis of sex, race, age (if voting age), religion, economic status, sexual orientation, physical or mental disability, or national origin is prohibited to the end that the Democratic Party acting within Albany County be an open party at all levels. For the purposes of this section, the clause "all party affairs of the Albany County Democratic Committee" shall mean all activities of each organization of

the Albany County Democratic Committee commencing at the lowest level and continuing up through the Executive Committee of the Party.

SECTION 6. OTHER PARTY ORGANIZATIONS. Any organization which is sponsored by or affiliated with the County Committee, 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. Such organizations shall use these or have other written rules that include provisions regarding election of officers, non-discrimination of membership, notice of meetings, and regular financial reports.

ARTICLE II - MEMBERSHIP IN THE COUNTY COMMITTEE

SECTION 1. TERMS OF MEMBERS OF THE COUNTY COMMITTEE. The members of this Committee shall be elected biennially in each even numbered year. Except in the case of filling vacancies, the term of each member shall commence with his or her election and end with the next succeeding biennial election.

SECTION 2. QUALIFICATION OF MEMBERS. Each member of the County Committee shall be an enrolled Democrat and shall have his or her primary residence in Albany County and the Assembly District containing the election district in which the member is elected. It is the preference of the County Committee that each member have his or her primary residence in the election district in which the member is elected and if not practicable, in the Ward that contains the election district, or where no Ward exists, in the County Legislative District and in the municipality that contains the election district.

SECTION 3. VACANCIES. Resignations of County Committee members shall be directed to the County Chairperson and to the appropriate Ward Leader or Town or City Chairperson as described in Article VII of these rules. In the event of a vacancy in the membership of the County Committee occurring from death, declination, resignation, enrollment in another party, moving from the County or Assembly District, removal from office, the failure to elect a member or for any other cause, the position shall be filled by the remaining members of the County Committee pursuant to the provisions of the Election Law, by the selection of an

enrolled Democrat qualified for election pursuant to Section 2 of this Article, at the next County Committee meeting.

Until a vacancy is filled pursuant to the Election Law, the County Chairperson may appoint an acting County Committee member on an interim basis recommended by the Ward Leader or Town or City Chairperson. If no such recommendation has been made within 60 days of such vacancy, the County Chairperson may appoint such acting member. Each such acting County Committee member shall have all the powers and duties and be subject to all the responsibilities of an elected County Committee member except that such acting member shall have no vote at a meeting of the County Committee but shall be entitled to vote at all Ward, Town and other such municipal Committee meetings as may be applicable. Such acting member shall be an enrolled member of the party qualified for election pursuant to Section 2 of this Article.

SECTION 4. TIE VOTE FOR COUNTY COMMITTEE POSITION. In the event of a tie vote in a primary election for the position of member of the County Committee, the Chairperson of the County Committee with the advice of the appropriate Ward Leader or Town or City Chairperson, shall appoint the member from among the individuals who tied for the position in such primary pursuant to the Election Law.

SECTION 5. INCREASING OPPORTUNITIES TO SERVE. The County Committee and the County Chairperson shall seek to increase the involvement of women, minorities, youth and members of other diverse representative groups within the County and shall encourage full participation by all Democrats, with particular concern for minority groups; African-Americans, Native Americans, Asian/Pacific Islanders, Hispanics, women, youth and other classes of individuals protected from discrimination pursuant to these rules, in all party affairs of the Albany County Democratic Committee as defined in Article I, Section 5 of these rules, including but not limited to committees appointed by the County Chairperson. The County Committee shall provide for representation as nearly as practicable of the aforementioned groups and classes, as indicated in the most recent demographic data within Albany County, where such data exists. The provisions of this section shall not be accomplished either directly or indirectly by the imposition of mandatory quotas in any party affairs; provided, however, that representation as nearly as practicable of the aforementioned groups, as

indicated by their presence in the most recent demographic data within Albany County, as provided in this section, shall not be deemed a quota.

ARTICLE III - ORGANIZATIONAL AND OTHER MEETINGS

SECTION 1. ORGANIZATIONAL MEETING. The County Committee shall meet and organize as provided by the Election Law, within 20 days after the Primary election at which its members were elected. The Chairperson of the Outgoing Committee shall call to order such organizational meeting and shall preside over such meeting until the election of a new County Chairperson, except that if the holdover Chairperson is a candidate for re-election, he or she shall name a temporary Chairperson to preside over the election of a Chairperson only. In the absence of the Chairperson, the First Vice Chairperson succeeded by the Second Vice Chairperson, succeeded by the Secretary, succeeded by the Treasurer of the County Committee, shall call such meeting to order and preside over it. In the absence of all such offices, the meeting may be called to order and presided over by any member of the County Committee elected as temporary Chairperson by those members present.

SECTION 2. ORDER OF BUSINESS. The following shall be the business at the organizational meeting of the County Committee and, insofar as applicable, at all other meetings of the County Committee:

- a. Call to order
- b. Call of the roll
- c. Reading and adoption of minutes of previous meeting
- d. Report of the Treasurer and Committees
- e. Filling of vacancies in the County Committee
- f. Selection of a Temporary Chairperson
- g. Election of officers
- h. Adoption of rules
- i. Other business
- j. Adjournment

Other business may be placed in advance on the agenda only by direction of the County Chairperson or by majority vote of the Executive Committee or by written petition submitted to the County Chairperson at least three (3) days prior to a

meeting. Such petition, which shall state the business to be placed on the agenda, must be signed by a minimum of 10% of the members of the County Committee.

SECTION 3. MEETING CALL AND NOTICE. There shall be a minimum of two (2) Committee meetings per year including the organizational meeting. The organizational meeting and other meetings as may be called, shall be held on the call of the Chairperson at such time and place and for such purpose as may be fixed by the Chairperson upon written notice mailed to the last known post office address of each member of the County Committee at least seven (7) days in the case of the organizational meeting and ten (10) days in the case of other meetings, prior to the time such meeting is called. A meeting of the County Committee shall also be called by the Chairperson upon written petition of a majority of the voting members of the Executive Committee or by at least one-third of the members of the County Committee submitted to the County Chairperson. Such meetings shall be called within 14 days after receipt of such written petition which shall state the purpose or purposes for which such meeting is to be called. No other matter shall be put before the County Committee at such special meeting unless at the request of the County Chairperson. Upon such filing, it shall not be necessary to comply with the petition requirements of Section 2 of this Article.

SECTION 4. QUORUM. Prior to the commencement of all meetings of the County Committee or upon the arrival of each member at such meetings, each member shall sign a membership roll prepared by the Secretary of the County Committee. A quorum at all meetings of the County Committee shall consist of at least one-third of the members of the Committee. In the event a quorum is not present at any meeting, no action other than to adjourn such meeting shall be taken.

SECTION 5. OPEN MEETINGS. Meetings of the full County 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 such meetings.

SECTION 6. VOTING. Voting at meetings of the County Committee shall be *viva voce* unless the Chairperson shall decide that a vote shall be by a rising vote, or

by call of representatives elected by each division who shall announce the voting result of each Town, Ward, City or other division of the Committee, or by roll call of the Committee members. In addition, any member of the Committee may request a rising vote or divisional vote or a roll call vote subject to approval by a rising vote of at least one-third of the members of the Committee. The Secretary shall record the results of such votes. Voting by the County Committee and municipal committee votes pursuant to Articles VII and VIII of these rules shall be proportionate and weighted pursuant to section 2-104 of the Election Law. The provisions of the preceding sentence shall not apply to any vote taken by the Executive or other standing committees.

SECTION 7. PROXY VOTING. A member of the County Committee who is absent from a meeting of such Committee may be represented at such meeting by another Committee member as his or her proxy. No Committee member can vote with more than one (1) proxy. Proxy votes shall be given to the Secretary of the County Committee prior to the commencement of all meetings of the County Committee or upon the arrival of each proxy representative at such meetings. Proxy votes shall not be used for the purpose of constituting a quorum pursuant to Section 4 of this Article. Whenever proxy voting is permitted by these rules, the proxy shall be in writing and substantially in the following form:

"I hereby appoint _____, my representative to act and vote as my proxy, with power of substitution consistent with the rules of the Albany County Democratic Committee, at the meeting of the County Committee to be held on the date of _____, and to have all the privileges and powers I should be entitled to if personally present."

Date: _____

Signature of County Committee Member

SECTION 8. FLOOR PRIVILEGES. Speaking privileges are reserved for officers and members of the County Committee and the Executive Committee as herein provided; however, members of the public upon the invitation of the County Chairperson or by majority vote of the County Committee may also have such privileges. 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 (3) minutes at a time without the consent of the County Chairperson or by majority vote of the County Committee.

ARTICLE IV - OFFICERS OF THE COUNTY COMMITTEE

SECTION 1. ELECTION OF OFFICERS. The officers of the County Committee shall be the Chairperson, a First Vice Chairperson, a Second Vice Chairperson, a Secretary and a Treasurer. Such officers shall be elected by majority vote of the County Committee at its organizational meeting and shall serve as such until the next organizational meeting of such County Committee as provided in Section 1 of Article III of these rules.

All duly enrolled Democrats in Albany County shall be eligible for election to any office of the County Committee and none of the officers of the County Committee need be members of the Committee. However, no officer shall have the right to vote at such Committee meeting unless a member thereof, except that the Chairperson or other officer presiding in his or her absence may vote to decide any question in the event of a tie vote.

SECTION 2. DUTIES. The Chairperson of the County Committee shall preside at all meetings of the County Committee and shall be an ex-officio member of all Committees. The First Vice Chairperson shall preside at meetings in the absence of the Chairperson and the Second Vice Chairperson shall preside at meetings in the absence of the Chairperson and First Vice Chairperson. The County Chairperson shall appoint the members of all committees unless other provisions are herein made, and designate their Chairperson and also shall select, employ and direct the headquarters staff.

The Secretary shall keep minutes of all proceedings of the County Committee, shall prepare a roll of the members with their respective places of residence, shall prepare a membership roll for signature of members at County Committee meetings, and shall notify the members of the time and place of all meetings. In addition, the Secretary shall perform such duties pertaining to his or her office as may be assigned by the County Chairperson.

The Treasurer shall be a member of the Finance Committee established pursuant to Section 1 of Article VI of these rules; shall receive and hold in trust all funds of the County Committee; keep a correct account thereof; pay all bills that have been approved by the Chairperson or by the Executive Committee; render an annual financial report and comply on behalf of the County Committee with all financial filing requirements of the State Board of Elections.

SECTION 3. VACANCIES. In the event of a vacancy in the office of Chairperson, the First Vice Chairperson shall immediately become Chairperson and shall exercise the powers and perform the duties of the office of Chairperson until a new Chairperson shall be elected at the next organizational meeting of the County Committee. In the event of a vacancy in the office of Chairperson and First Chairperson, the Second Vice Chairperson shall immediately become Chairperson and shall exercise the powers and perform the duties of the office of Chairperson until a new Chairperson shall be so elected and take office.

A vacancy in any other office of the County Committee as set forth in Section 1 of this Article shall be filled for the remainder of the term by the Chairperson with the advice and consent of the Executive Committee within 60 days after such vacancy shall occur.

ARTICLE V - EXECUTIVE COMMITTEE

SECTION 1. POWERS AND DUTIES. There shall be an Executive Committee which shall have all the authority and power of the County Committee between meetings of such County Committee, except those powers expressly reserved in these rules. The Executive Committee which shall have custody, management and control of the property, funds and headquarters of the County Committee, shall have the power to employ such clerical staff and other assistance as it may deem necessary, to provide remuneration to such staff and officers of the County Committee, to provide advice and consent regarding recommendations to the County Committee pursuant to Article VIII of these rules of candidates for public office whose designation is provided pursuant to the Election Law and candidates for public office whose nomination is, by law, required to be voted on at a Primary election, and to adopt all measures that it may deem proper for the welfare of the Democratic Party in Albany County.

SECTION 2. VOTING MEMBERSHIP.

2.1. The base membership of the Executive Committee determined by formula shall consist of 26 voting members as follows:

- 11 members representing election districts within the City of Albany,
- 5 members representing election districts within the Town of Colonie,
- 2 members representing election districts within the Town of Bethlehem,
- 2 members representing election districts within the Town of Guilderland,
- 2 members representing election districts within the City of Cohoes
and the Town of Green Island,
- 1 member representing election districts within the City of Watervliet,
- 1 member representing election districts within the Town of Coeymans,
- 1 member representing election districts within the Town of New Scotland,
and
- 1 member representing election districts within the Towns of Berne, Knox,
Westerlo and Rensselaerville.

2.2. The allocation to municipalities of the base membership of the Executive Committee provided for in subdivision 2.1 above is made on the basis of multiplying the number 26 by a percentage which for each of such municipalities is the average of two percentages, except as stated in the next sentence. The first being a percentage which represents the ratio of the total number of Democratic votes for County Executive in such municipality to the total number of Democratic votes for County Executive in the entire County, and the second being a percentage which represents the ratio of the total number of Democratic votes for Governor in such municipality to the total number of Democratic votes for Governor in the entire County. For the purposes of applying the formula set out in the previous sentence, the Town of Green Island shall be combined with the City of Cohoes or the City of Watervliet, whichever allocation provides a result closest to a whole number. However, Green Island may qualify for its own seat if at the time of any future re-allocation by application of the formula results in a fraction greater than one-half. Also, the Towns of Berne, Knox, Westerlo and Rensselaerville shall be considered one municipality for the purpose of these calculations.

Such allocation is made by rounding the result occurring by application of the formula to the next highest whole number, whenever such result indicates a fraction greater than one-half.

In no event shall the application of this formula in subsequent years result in the loss of voting membership by a municipality or municipalities who have been allocated one member pursuant to subdivision 2.1. When necessary to adhere to the results required by application of the formula (including rounding requirements) and the provisions of the preceding sentence the base number shall be increased accordingly. In making any allocation of base members in subsequent years, after a year in which such base number has been increased, the base number to be used in such formula shall return to 26.

2.3. The allocation of base members of the Executive Committee shall remain in effect until 1996 and may be altered in 1996 by application of the formula set out in subdivision 2.2 hereof and no less than every four years thereafter. In applying the formula, the results of the most recent election for County Executive and Governor in any year of determination shall be utilized.

2.4. All such representatives determined by formula shall be voting members of the Executive Committee and shall be appointed by the County Chairperson with the advice and consent of the County Committee members representing the municipalities prescribed above within 30 days after the official primary election at which the members of the County Committee have been elected.

2.5. Additionally, the Chairperson, Vice Chairpersons, Secretary and Treasurer of the County Committee shall serve as voting members and officers of the Executive Committee, and the County Chairperson may appoint up to five (5) additional voting members on an at-large basis who shall serve at his or her pleasure.

2.6. Terms extend from the organizational meeting of the County Committee to the subsequent organizational meeting of the County Committee except as provided in Section 2.4 of this Article. Any vacancy in the base membership determined by formula by any cause shall be filled by the County Chairperson with the advice and consent of the Executive Committee, provided

that a vacancy in the base membership shall be filled from the municipality of the person whose departure created the vacancy. Any seat held by a member who shall be absent from three consecutive meetings, without being excused by the Chairperson, may be declared vacant by the Chairperson upon majority approval of the Executive Committee. None of the members of the Executive Committee need be members of the County Committee but each shall be an enrolled Democratic voter who shall have his or her primary residence in Albany County.

SECTION 3. VOTING. At all meetings of the Executive Committee each voting member elected or appointed pursuant to Section 2 of this Article shall be entitled to one (1) vote even if he or she was elected or appointed in more than one capacity. The quorum for the Executive Committee shall be 50% of such members and voting by such members at meetings of the Executive Committee shall be limited to those voting members present at such meetings.

SECTION 4. EX-OFFICIO MEMBERSHIP. The Executive Committee shall also include ex-officio members consisting of (a) enrolled Democrats while serving as: County Executive of Albany County, Mayor of the City of Albany, Town Supervisor of the Town of Colonie and the chief executive officer of any municipality within such county having a minimum of 40,000 registered voters; (b) enrolled Democrats while serving as a member of the U.S. House of Representatives, New York State Senate or Assembly representing Congressional, Senate and Assembly Districts and where a minimum of 50% of the total vote cast in his or her most recent election shall have been comprised of votes cast within Albany County, provided that such elected official maintains his or her primary residence in Albany County; (c) the Chairperson of any Town or City Democratic Committee which is not allowed a voting member on the Executive Committee pursuant to Section 2 of this Article. The provisions of Section 3 of this Article shall not apply to these ex-officio members, who shall be non-voting members of the Executive Committee. Nothing herein shall be construed to prohibit an ex-officio member from being appointed as a voting member of the Executive Committee in the manner authorized by Section 2 of this Article.

SECTION 5. MEETING CALL AND PROCEDURES. The first meeting of the Executive Committee shall be called by the County Chairperson within 40 days after his or her election at such time and place as the County Chairperson may

designate. In the event of the failure of the County Chairperson to call such meeting, it may be called by written notice signed by at least 15 voting members of the Executive Committee. At such meeting of the Executive Committee the County Chairperson shall fix a specified day and hour for the holding of the next Executive Committee meeting. Thereafter, such Committee shall meet on such day and hour as may be fixed by the County Chairperson. In addition, meetings of the Executive Committee may be called by the County Chairperson upon three (3) days written notice mailed to the address of each voting and ex-officio Executive Committee member. Meetings of the Executive Committee shall also be called by the Chairperson upon the written request of at least 15 of the voting members of the Executive Committee.

The County Chairperson shall preside over all meetings of the Executive Committee and the Secretary of the County Committee shall keep minutes of all proceedings for the benefit of the members of the Executive Committee.

No member of the Executive Committee who is a candidate for public office whose nomination is, by law, required to be voted on at a primary election or who shall be designated pursuant to Election Law, shall be allowed to receive a copy of the report summarizing interviews of candidates for such public office by the Candidate Review Committees pursuant to Article VIII of these rules nor shall such member be allowed to be present for any discussion or vote of the Executive Committee related to the recommendation or designation of candidates for such public office.

ARTICLE VI - STANDING COMMITTEES

SECTION 1. FINANCE COMMITTEE. There shall be a Finance Committee consisting of a minimum of five (5) members, which shall assist the Treasurer in preparing an annual budget, updating and revising the budget as necessary, reviewing an annual financial report, coordinating fund-raising events, reporting to the Executive Committee on each fund-raising event and performing such other appropriate duties as shall be requested by the County Chairperson.

SECTION 2. LAW COMMITTEE. There shall be a Law Committee consisting of a minimum of five (5) members, which shall advise the County Committee and its

officers on all legal questions arising in connection with the affairs and activities of the County Committee; shall act as a Judicial Candidate Review Committee, which shall provide the opportunity for candidates' interviews and report to the County Chairperson and the Executive Committee for recommendation to the County Committee pursuant to Article VIII of these rules; and shall perform such other appropriate duties as shall be requested by the County Chairperson.

SECTION 3. CANDIDATE REVIEW COMMITTEE. There shall be a Candidate Review Committee consisting of a minimum of five (5) members, which shall provide the opportunity for candidates' interviews, except for judicial candidates as provided above, and report to the County Chairperson and the Executive Committee for recommendation to the County Committee pursuant to Article VIII of these rules; and shall perform such other appropriate duties as shall be requested by the County Chairperson.

SECTION 4. ETHICS COMMITTEE. There shall be an Ethics Committee created pursuant to Article IX of these rules.

SECTION 5. OTHER SPECIAL COMMITTEES. The Chairperson of the County Committee may appoint from time to time such special committees as he or she may deem desirable or necessary.

SECTION 6. APPOINTMENTS AND QUALIFICATIONS OF COMMITTEE MEMBERS. Members of Committees established pursuant to this Article shall be appointed by the Chairperson of the County Committee unless otherwise provided by these rules and shall serve at his or her pleasure, except that terms of appointments shall be contemporaneous with the term of the County Committee. A member of any committee created in this Article need not be a member of the County Committee but shall be an enrolled Democrat having his or her primary residence in Albany County.

ARTICLE VII - MUNICIPAL COMMITTEES

SECTION 1. AUTHORIZATION. There shall be a Ward Committee in each of the Wards in the City of Albany, a Town Committee in each of the Towns of Albany County and City Committees in the Cities of Albany, Cohoes and Watervliet, which shall be composed of the County Committee members thereof

and which shall have, subject to these rules, responsibility for party affairs within such Ward, Town or City.

SECTION 2. ORGANIZATION, ELECTION AND QUALIFICATIONS OF OFFICERS.

2.1. Within 15 days after the official primary election at which the members of the County Committee have been elected, the Ward Leader, Town or City Chairperson then in office of each Ward, Town or City Committee established pursuant to Section 1 of this Article, shall call a meeting of the Ward, Town or City Committee representing the election districts thereof for the purpose of electing from among its membership a Leader/Chairperson and such other officers as may be provided for by the rules of such Ward, Town or City Committee. Such Town Committees shall also provide for the election of County Legislative District Leaders by County Committee members representing election districts within such Legislative Districts wholly within each Town. Such City Committees shall also provide for the election of Ward Leaders by County Committee members representing election districts within such Wards.

2.2. The Chairperson and other officers of the Ward, Town or City Committees need not be members of the County Committee. Each shall be an enrolled Democratic voter who shall have his or her primary residence in the Ward, Town or County Legislative District wherein he or she serves unless an exception is provided in this Section.

2.3. A person, other than a person serving as a Ward or County Legislative District Leader or as a Town or City Chairperson on the effective date of this section, who is elected to such position after the effective date of this section shall not be required to vacate the position to which he or she was elected for failure to satisfy the residency requirement herein provided by reason of a change in boundary lines of the Ward or County Legislative District wherein he or she serves. Further, such person shall remain eligible to be elected to the same position for one additional term of two years first ensuing after such change of boundary lines.

2.4. Any person serving as Ward or County Legislative District Leader or as a City or Town Chairperson on the effective date of this section shall not be

required to vacate the position to which he or she was elected for failure to satisfy the residency requirements herein provided for any reason, including but not limited to, a change in boundary lines of the Ward or County Legislative Districts wherein he or she currently serves. Further, a person not required to vacate a position pursuant to the preceding sentence shall remain eligible to be elected to the same position for a maximum of two additional consecutive two (2) year terms first ensuing after such effective date. For the purposes of this section, the term unit of representation shall have the meaning ascribed to it in the Election Law and shall not be limited to that of the election district.

SECTION 3. CONDUCT OF BUSINESS. The provisions of Section 6 of Article I of these rules shall apply to Ward, Town and City Committees established pursuant to Section 1 of this Article. Additionally, the provisions of Article III of these rules regarding the conduct of meetings, so far as practicably applicable, shall likewise apply to all the activities of such Ward, Town and City Committees.

Such Ward, Town or City Committee may make additional rules for itself provided they are not in conflict with these rules and are filed with the Secretary of the County Committee.

ARTICLE VIII - DESIGNATION AND NOMINATION OF CANDIDATES FOR PUBLIC OFFICE

SECTION 1. RECOMMENDATION OF CANDIDATES. Any candidate for public office, except as provided in Sections 2, 3 or 4 of this Article, whose nomination is, by law, required to be voted on at Primary Elections, or who shall be designated pursuant to election law, may be recommended to the Candidate Review Committee by any County Committee member residing within the political subdivision for which such designation or nomination is to be made. All individuals so recommended, shall have the opportunity to be interviewed by the Candidate Review Committee pursuant to Section 3 of Article VI of these rules with respect to a review of their character, professional aptitude and experience, and adherence to Democratic Party principles and philosophy. A report summarizing such interviews, including any recommendations from a majority of Candidate Review Committee members, shall be forwarded to the County Chairperson and to the Executive Committee. The County Chairperson may make a recommendation of a candidate to the County Committee upon the

advice and majority consent of those voting members of the Executive Committee who are present for such vote. Nothing herein shall prohibit the County Chairperson from making no recommendation to the County Committee regarding the nomination of a candidate for public office. Consistent with the provisions of this Article, the power to designate and nominate candidates for public office is expressly reserved for a majority vote of the full County Committee for County-wide, National or State public office or by those members of the County Committee representing election districts corresponding to such offices where applicable. Nothing herein shall prohibit any member of the County Committee from making a nomination for public office at meetings of the County Committee provided that such member and any member seconding such nomination shall represent an election district wherein the voters thereof are entitled to cast a vote for such office.

SECTION 2. RECOMMENDATION OF CANDIDATES FOR JUDICIAL OFFICE. Candidates for judicial offices except as provided in Section 3 and 4 of this Article, shall be recommended to the Law Committee established pursuant to Section 2 of Article VI of these rules for the purpose of interviewing such candidates. Recommendation may be made by any County Committee member residing within the political subdivision for which designation or nomination is made. All individuals so recommended, shall have the opportunity to be interviewed by the Law Committee pursuant to Section 2 of Article VI of these rules with respect to a review of their character, professional aptitude and experience to determine their qualifications and fitness to assume judicial office. A report summarizing such interviews, including any recommendations from a majority of Law Committee members, shall be forwarded to the County Chairperson and to the Executive Committee. The County Chairperson may make a recommendation of a candidate to the County Committee or to delegates to judicial conventions upon the advice and majority consent of those voting members of the Executive Committee who are present for such vote. Nothing herein shall prohibit the County Chairperson from making no recommendation to the County Committee or to the delegates to Judicial Conventions regarding the nomination of a candidate for judicial office.

SECTION 3. DESIGNATION AND NOMINATION OF CANDIDATES FOR MUNICIPAL OFFICE. Designation of candidates pursuant to Election Law, for any Town public office in the County of Albany or for any City public office in the

City of Cohoes or Watervliet or any County Legislative office having jurisdiction exclusively within such Town or City, and nomination of candidates for such offices whose nomination is, by law, required to be voted on at a Primary election shall be approved by majority vote of the County Committee members representing the election districts corresponding to such office. The Town or City Chairpersons shall coordinate this procedure for their respective municipality.

Designation of candidates pursuant to Election Law, for any City public office or County Legislative office having jurisdiction exclusively within the City of Albany, and nomination of candidates for such offices whose nomination is, by law, required to be voted on at a Primary election shall be approved by majority vote of the County Committee members representing the election districts corresponding to such office. The Ward Leaders shall coordinate these procedures unless such offices correspond to election districts in more than one Ward, in which case the County Chairperson shall coordinate these procedures unless the County Chairperson is not a resident of the City of Albany in which case the Ward Leaders representing such Election Districts shall elect a temporary Chairperson by majority vote for the purpose of coordinating this procedure.

Such designation or nomination of candidates for County Legislative offices which represent election districts within more than one municipality shall be approved by majority vote of the County Committee members representing such election districts. The County Chairperson shall coordinate this procedure. Any candidate who is eligible to be designated or nominated for public office pursuant to this Section shall have the opportunity to be interviewed by County Committee members representing election districts corresponding to such office or by a Committee or subcommittee thereof. Nothing in this Section shall prohibit County Committee members representing election districts corresponding to public offices pursuant to this Section from making no nomination of a candidate for public office. Designation and nomination of candidates for County-wide, State or National public office shall not be affected by this section.

SECTION 4.1. TOWN CAUCUSES. Notwithstanding other provisions of this Article to the contrary, Town Committees may elect to nominate candidates for Town office by caucus pursuant to the provisions of the Election Law, however members of the County Committee from such Towns may adopt by a two-thirds

vote, a rule providing that the party candidates for town offices shall be nominated at the primary election.

A notice for any party caucus held for making party nominations of candidates for town offices shall be given by proper party authorities either by newspaper publication thereof once within the town at least one week and not more than two weeks preceding the caucus, or by posting in ten public places in the town at least ten days preceding the caucus. The notice shall specify the time and place or places, and the purpose of the caucus. There shall be a chairperson and a secretary, and there may be tellers for each such caucus, and they shall take the constitutional oath of office before acting. No person shall participate in such a caucus unless he or she is an enrolled party voter in such Town.

SECTION 4.2. VILLAGE CAUCUSES. Candidates for elective village offices throughout the County, may be nominated by caucus, to be called by the general committee of the town, upon written notice posted in at least ten public places within the village for which such officers are to be elected, at least ten days preceding such caucus. Only enrolled members of the Democratic Party residing in such village shall vote at such caucus.

ARTICLE IX - CODE OF ETHICS

SECTION 1. STATEMENT OF PRINCIPLES. Public trust in party leadership is essential if the Democratic Party in Albany County is to achieve success and deserve it. Rules of ethical guidance for the conduct of party leaders can help earn that public trust.

A Party Leader or any candidate seeking the nomination of the Democratic Party shall not use political or public office 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. This Code of Ethics is also intended to ensure for all citizens of Albany County their right to full participation in the political process and to guarantee high ethical standards in both the political process and governmental service.

SECTION 2. 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 Albany County Democratic Committee.

"Committee Ethics
Commission" The Albany County Democratic 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 or 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, which in

the absence of such license, permit or other form of permission would be prohibited.

"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.

"Ministerial Matter"

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

"Party Leader"

(a) Each chair or acting chair of the County Committee;

(b) each leader or acting leader who is the principal political, executive and administrative officer of each party committee for each city and town (and each party committee for any city or town political subdivision with population greater than 10,000 and village with population greater than 10,000) within Albany County;

(c) each person (usually designated by the rules of a county committee as the "county leader" or "chairman 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 Section 6-114 of the Election Law, for the purpose of filling a vacancy in accordance with Section 6-116 of such law; or

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

(d) each officer serving any such committee in a full-time capacity; and

(e) each managerial employee and professional employee performing duties of a policy-making nature and serving any such 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 Ethics Commission of the State of New York established pursuant to Section 94 of the Executive Law.

SECTION 3. COUNTY COMMITTEE ETHICS COMMISSION.

3.1(a). The Ethics Committee shall consist of five enrolled Democrats residing within Albany County, serving terms contemporaneous with the County Committee as described in Article IV and no more than one officer of the County Committee shall serve as a member of the Ethics Committee. 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.

3.1(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 Section 4 of this Code. The Committee Ethics Commission may establish rules for the Commission governing standing, jurisdiction and the right of appeal.

3.2. Complaints. Any enrolled member of the Democratic Party who is registered to vote in Albany County may submit to the Ethics Committee a signed written complaint alleging a specific violation of this Code of Ethics by a Party Leader. The Ethics Committee shall also have the power to independently initiate any complaint alleging a specific violation of this Code of Ethics.

3.3. Hearings. (a) Upon receipt or initiation of a complaint, the Ethics Committee shall promptly give the respondent a copy thereof. The respondent upon receipt of the complaint may request an interview with the Ethics Committee to offer an explanation on the complaint or the respondent may submit a written response to the Ethics Committee within 15 days of receiving a copy of the complaint. The Ethics Committee shall conduct an interview of the respondent within 15 days after the request is made therefor. The complainant shall be notified of the time, date and place when such interview is to be conducted and shall be entitled to be present at such interview if the complainant shall so request, provided that, the Ethics Committee may, in its discretion, conduct the interview jointly, separately or part jointly and separately as it may determine prudent for the purpose of ascertaining a violation of the provisions of this Code of Ethics. Within 20 days after: (i) conducting the interview requested by the respondent; (ii) the receipt of a written response made by a respondent to the complaint; or (iii) giving respondent a copy of the complaint without receiving a

request from respondent for an interview or without receiving a written response to the complaint from the respondent, the Ethics Committee may either dismiss the complaint or advise the respondent of his/her right to a hearing on the merits of the complaint. The respondent shall have seven days from receipt of such notice to notify the Ethics Committee of his/her election to proceed with a hearing. If a hearing is held, complainant, if any, and the respondent, will be given 15 days notice of the time, date, and place of the hearing. In no event, however, shall a hearing be scheduled more than 30 days after respondent requests a hearing, without the respondent's consent.

3.3(b). Both the complainant and the respondent shall have the right to submit both oral and written testimony at any such hearing, the right to question witnesses, and the right to be represented by counsel.

3.3(c). A quorum of at least four members of the Ethics Committee must be present at any hearing.

3.3(d). A majority vote of all members of the Ethics Committee shall be required to make any determination with respect to any respondent. The determination made by the Ethics Committee may be for dismissal of the complaint or may provide for a reprimand, admonition or removal from status as a public official.

3.3(e). If the Ethics Committee 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 Executive Committee.

3.3(f). Upon appeal, the Executive Committee may affirm, vacate or modify the determination of the Ethics Committee, but it may not impose a determination more adverse than that imposed by the Ethics Committee.

3.3(g). All complaint proceedings of the Ethics Committee including, but not limited to, copies of the filed written responses to complaints, shall be maintained strictly confidential, unless the respondent requests otherwise, but all final determinations adverse to respondents, including reprimands, admonitions

or removals from office, shall be made public after the appeal process has been completed.

3.4. Advisory Opinions. The Ethics Committee shall, upon request of any enrolled Democrat who is registered to vote in Albany County, or may, on its own initiative, issue advisory opinions with respect to questions of ethical conduct, conflict of interest or other matter arising under this Code of Ethics. All advisory opinions issued by the Ethics Committee shall be maintained for public inspection at the party headquarters, provided, however, that the Committee shall honor a request by any individual requesting an advisory opinion that such opinion remain confidential.

SECTION 4. CONFLICT OF INTEREST.

4.1. 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:

4.1(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 or Local Agency where such appearance or rendition of services before such State Agency or 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 4.1(a):

- (a) nothing shall prohibit (x) a leader, acting leader, officer or other employee of a committee other than the County Committee (or any firm or association in which such person is a member or a corporation of which such person is a shareholder) from appearing or rendering services in relation to any matter before a State Agency or (y) a Party Leader (or firm or association in which such person is a member or a corporation of which such person is a shareholder) from appearing or rendering services in relation to any other matter before a Legislative Body or Local Agency if:
 - (i) the identity of the source of such Compensation, the identify 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
 - (ii) 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 of any bill, resolution, or other matter before such Legislative Body; for purposes of this paragraph (ii), 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
 - (iii) 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 or a 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, 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;

4.1(b) (x) sell any goods or services having a value in excess of \$25 to any State Agency or 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 or 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 Local Agencies by such Party Leader, firm, association or corporation and (ii) with respect to sales to State Agencies by leaders, acting leaders, officers or other employees of a committee other than the County Committee (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 4.1(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

4.1(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 Section 4.1 shall be construed or applied to prohibit any such Party Leader, 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, 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.

4.2. Notwithstanding and in addition to the foregoing provisions of Section 4.1,

a. no Party Leader who is a member, associate, retired member, of counsel to or shareholder of more than five percent of the outstanding stock 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 4.1(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 or 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.

SECTION 5. PROHIBITED PRACTICES ADVERSELY AFFECTING THE POLITICAL PROCESS.

5.1. A party official shall not attempt to coerce or intimidate a citizen in the exercise of his/her right to vote or engage in the political process.

5.2. During the course of a political campaign, a party official shall not knowingly make false statements of fact about any candidate for political or government office; provided, however, that nothing herein shall prohibit the free and robust debate and expression of opinion protected by the First Amendment of the U.S. Constitution.

5.3. A party official, in his/her political activities, shall at all times adhere to the provisions of the New York State Election Law and shall strive to ensure the compliance by others with such Law.

5.4. A party official shall not deny or refuse to recognize the rights, privileges and immunities which another member of the Party may have pursuant to law or the rules of the Albany County Democratic Committee or attempt in any way to prevent another member of the Party from exercising such rights, privileges and immunities.

5.5. A party official shall not deny full participation in any of the activities of the Democratic Party to any enrolled Democrat in Albany County on account of age, gender, sexual orientation, race, color, national origin or religious beliefs.

5.6. A Party Leader, as defined in Section 2, who violates the provisions of this Section 5 shall be subject to the enforcement provisions of this Code of Ethics relating to the filing of complaints and the conduct of hearings thereon as provided for in Section 3, subsections 3.2 and 3.3 hereof and the imposition of sanctions for any such violation pursuant to Section 9 hereof.

5.7. Any enrolled member of the Democratic Party who is registered to vote in Albany County shall be authorized to file a written complaint with the Ethics Committee alleging that a party official, who is not a Party Leader, has violated the provisions of this Section 5. The Ethics Committee shall respond to such complaint by interviewing the complainant and the subject of such complaint. Any such interview shall be conducted upon reasonable notice and at reasonable times when the complainant and the subject of the complaint are able to attend. The interview may be conducted jointly, separately or part jointly and separately as the Ethics Committee may determine prudent for the purpose of ascertaining whether a violation of this Section 5 has occurred.

Upon completion of the interview process and all other investigation it may elect to conduct regarding the underlying allegations made in the complaint, the Ethics Committee shall attempt to resolve the controversy between the complainant and the subject of the complaint by informal mediation and conciliation. In doing so, if there has been a determination that a violation of this Section 5 has occurred, the

Ethics Committee shall have the duty to clearly indicate to the subject of complaint in a clear and unequivocal manner that the conduct engaged in by the subject of the complaint constituted a violation of this Section 5 and is contrary to the principles of the Albany County Democratic Committee. This shall be effectuated in such a manner as the Ethics Committee shall determine reasonable to convey to the complainant that the Albany County Democratic Committee has expressed its disapproval of the violating conduct. Whenever the Ethics Committee has determined that a violation has occurred and such violation is egregious in nature because of the flagrant disregard of a particular provision of this Section 5, it shall refer such determination to the Executive Committee which, upon review of such matter, shall take such remedial action as it shall determine reasonable.

The Ethics Committee shall have authority, subject to the approval of the Executive Committee, to promulgate rules and regulations or guidelines which shall be designed to be advisory and instructional in nature so that party officials may be clearly apprised of the types of conduct which, if committed, would be determined to be violative of this Section 5.

The Ethics Committee shall dismiss and take action to discourage unfounded or frivolous complaints.

All actions undertaken by the Ethics Committee hereunder shall remain strictly confidential except as may be necessary to effect informal mediation and conciliation between the complainant and the subject of the complaint, or where referral of a matter has been made to the Executive Committee.

For the purposes of this section the term "party official" means one who holds any party position as a member on the county committee or as a delegate or alternate to a Democratic Party convention, a candidate seeking election to public office as a Democrat, and any other person who holds any party office whether by election, appointment or otherwise.

SECTION 6. 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 of the following offices: County Executive (or the equivalent chief executive office, by whatever title designated) of Albany County; Comptroller of Albany County, if elective public office; or mayor or supervisor of any city or town with population greater than 100,000 within Albany County; 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.

SECTION 7. FINANCIAL DISCLOSURE. To the extent covered thereby, each Party Leader shall comply with the applicable provisions regarding financial disclosure contained in Section 73-a of the Public Officers Law, Section 812 of the General Municipal Law or such other law, ordinance or resolution requiring financial disclosure by such Party Leader.

SECTION 8. 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.

SECTION 9. SANCTIONS.

9.1. Pursuant to the procedures set forth in this section, a Party Leader may, in the Ethics Committee's discretion, be subject to reprimand, admonition or removal from party office.

9.2. 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 State, would have constituted) a felony under the laws of the State of New York shall automatically become vacant immediately upon such conviction.

9.3. The Ethics Committee, 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, of the type that upon conviction would result in immediate vacation of office may, after notice to the Party Leader and an opportunity for a hearing, recommend to the Executive Committee that the Party Leader be suspended from party office pending final adjudication of his/her criminal proceeding.

9.4. The Party Leader who, pursuant to this Article, is removed from office for a violation of the Code of Ethics or conviction of a crime which requires immediate vacation of office, may not hold party office for five years from the date of removal or from the date of expiration of his/her term of imprisonment, whichever is greater.

SECTION 10. 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.

SECTION 11. EFFECTIVE DATE. The provisions of this Code of Ethics shall apply to a Party Leader effective January 1, 1989; provided, however, that (i) the provisions of Subsection 4.1(a) shall not apply to the appearance or rendition of services before a State Agency, 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 (ii) nothing contained in Subsection 6(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 the Code of Ethics is adopted and continues to hold each such office for consecutive successive terms thereafter.

ARTICLE X - AMENDMENTS AND PROCEDURES.

SECTION 1. RULES OF ORDER. Proceedings of the County Committee and of its committees, sub-committees and sub-divisions shall be conducted by Roberts

Rules of Order except as otherwise provided by these rules or by law.

SECTION 2. AMENDMENTS. These rules may be amended by majority vote cast by the County Committee pursuant to Section 6 of Article III of these rules at any meeting of the County Committee, provided a copy of the proposed amendment is sent to each Committee member at his post office address not less than seven (7) days before the meeting at which it is to be proposed.

SECTION 3. SEVERABILITY. 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.

SECTION 4. EFFECTIVE DATE. These rules and regulations shall become effective on June 5, 1992 and shall continue in effect until repealed or amended. All other rules and regulations heretofore adopted for the governance of the Democratic Committee in Albany County are hereby repealed; provided, however, that the county and other municipal committees therein provided shall continue in existence until the committees elected to succeed them shall meet and organize by the election of officers.