

Motion for Amendment to the Rules for the Government of the  
Kings County Democratic County Committee  
Relating to Proxies, Notice, Committees, and Filling Vacancies

WHEREAS tabulation issues associated with proxy votes caused delays in 2018 and 2020 County Committee meetings that caused the 2018 Organizational Meeting to start two hours late and the 2020 meeting to attract media attention after it lasted thirteen hours, and

WHEREAS details of the agenda, including the names of all candidates for officer positions and the text of proposed rules amendments, have not been circulated with notice before the Organizational Meeting and other County Committee meetings, and a standard notice period would be twenty business days, and

WHEREAS the Rules for the Government of the Kings County Democratic County Committee provide that certain sections expire upon the earlier of the public declaration that the COVID-19 pandemic has ended or the legal authorization for public meetings in excess of two thousand (2000) attendees to be convened within the City of New York, and

WHEREAS at prior Organization Meetings, vacant roles for County Committee have been filled when there is no evidence of the consent of the person chosen for such roles, and

WHEREAS meetings of the County Committee should be accessible to all County Committee members and past County Committee meetings have been held at locations not close to public transportation and concentrated within the Southern region of Kings County, and

WHEREAS email is the standard method of business-related communication in 2022, and postal mail can continue to be an acceptable method of communication for any members who do not prefer email, and

WHEREAS the Rules of other Democratic County Committees, such as the Bronx County Democratic Party, define a quorum by a lower number or percentage of members, and

WHEREAS the Rules for the Government of the Kings County Democratic County Committee did not reference the Judicial Screening Committee of the Kings County Democratic County Committee, nor did such rules include a process for reviewing the rules of such committee, and the rules of such committee are not currently publicly accessible, and

WHEREAS the Rules for the Government of the Kings County Democratic County Committee referenced the role of the Vice Chairperson of the Executive Committee, but did not completely define the roles and responsibilities of this role,

NOW THEREFORE, it is moved by Vanessa Nutter for the Executive Committee of the Kings County Democratic County Committee to ADOPT the following Amendments to the Rules for the Government of the Kings County Democratic County Committee, which in pertinent part would:

(1) Article II [The County Committee Membership] of the Rules for the Government of the Kings County Democratic County Committee is amended by adding the italicized text to the following §3 to read as follows:

§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 evidenced by the verified written consent of an eligible person chosen to fill each vacancy at the time of nomination* and be made upon a majority vote of the members of the County Committee from the Assembly District in which such vacancy occurs, or in the event that the Assembly District Committee has not yet organized, upon the nomination of five members 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. *Such appointments shall also be evidenced by the verified written consent of the person chosen to fill the vacancy.*

(2) Article II [The County Committee Membership] of the Rules for the Government of the Kings County Democratic County Committee is amended by adding the italicized text to the following subsection (c) of §4 to read as follows:

(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~~ *they* shall announce the result, which shall be recorded by the Secretary as the vote of the members from said district. However, if *an* objection is made by any member of the County Committee, the membership roll of the Assembly District from which ~~he is~~ *they are* 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~~ *their* proxy another member of the *County Committee within their Assembly District. A County Committee member holding another's proxy must attend the meeting in person and may not hold proxies for more than ten members of the County Committee within their Assembly District.* Such proxy ~~may be general or limited and~~ *must be in writing and limited to the specific votes identifying the candidates and matters chosen in writing, signed by the member so authorizing it, and filed with the Secretary of the Committee 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 no later than 24 hours before the meeting commences, by electronic or physical means. A County Committee member may revoke their proxy by declaring to the Secretary of the County Committee that said proxy is revoked. 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.*

(3) Article III [Organization and Procedure] of the Rules for the Government of the Kings County Democratic County Committee is amended by adding the italicized text to the following § 1 to read as follows:

§1. (A) 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, *provided the place shall be within one half of a mile from a New York City MTA Subway Station, and each meeting shall alternate between a place within (1) North Brooklyn (Assembly Districts 50, 52, 53, 54, 55, 56, and 57); (2) Central Brooklyn (Assembly Districts 42, 43, 44, 51, 58, and 60) and (3) South Brooklyn (Assembly Districts 41, 45, 46, 47, 48, 49, 59, 64). Such meetings shall also be held in a hybrid format, allowing attendees to participate via webconference. Accommodations for persons with disabilities shall be made in accordance with the Americans with Disabilities Act, as well as including braille and closed captioning at such meetings. If the Chairperson 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~~
2. *Adoption of Rules*
3. Filling of Vacancies
4. Election of Officers
- ~~4. Consideration of duly filed Rules Amendment(s)~~
5. Reports of Standing and Special Committees ~~Report On Committee Finances~~
6. *Unfinished Business*
7. *New Business*
8. *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.~~

(B) *Prior to the Organizational Meeting, the Chair of the Organizational Meeting shall be elected by the Rules Committee at their meeting. Any member of the Executive Committee is eligible to be elected Chair of the Organizational Meeting. Any County Committee member may nominate a Candidate for Chair of the Organizational Meeting, provided the nomination is in writing and emailed (or received by postal mail) to the Secretary of the County Committee no less than forty-five days before the Organizational Meeting.*

*(C) The Filling of Vacancies shall include the verified written consent of each person chosen to fill a vacancy, which must be provided prior to appointment.*

*(D) While both webconferenced meetings and in person portions of meetings shall be open and accessible to the general public, only County Committee members shall be recognized to speak during meetings.*

(4) Article III [Organization and Procedure] of the Rules for the Government of the Kings County Democratic County Committee is amended by adding the italicized text to subsection (B) of the following §2 to read as follows:

(B) Notice of the time and place of all regular meetings of the County Committee must be sent by *email and postal mail* ~~by mail, email, text message or telegram~~ to each member at least ~~five~~ *twenty business* days before such meetings, and similar notice of all adjournments of such meeting shall be by resolution issuing a call for said meeting. *A notice including a pre-distributed agenda listing all candidates running for officer positions as well as the full text of any proposed rule amendments must be sent by email and postal mail to each member and arrive at least five business days before such meetings.* Such notices shall *also* 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 meetings as items of New Business.

(C) In addition thereto, there shall be ~~one~~ meetings of the County Committee ~~in odd-numbered years~~ for the sole purpose of discussing issues of international, national, state, and local public policy, *and for the purpose of voting upon any previously submitted resolutions, upon 20 business days notice to the members thereof, if any, in May of each year, and in a year in which there is no Organizational Meeting, in January of the following year as well.* ~~Said meetings shall be called by either the Chair of the County Committee or the Chair of the Executive Committee. Public proclamation of such a meeting to be held shall be made on the County Committee's website by the Chair calling the meeting at least 28 days in advance. Resolutions to be presented at such public policy meetings shall be submitted at least 14 days in advance to the Secretary of the County Committee. Such resolutions shall be signed by no less than four members of the County Committee from each of no less than four of the seven 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, and (g) 43, 56, 57, or proposed by any of the committees provided for in Article VI, §1. Notice to County Committee members of such public policy meetings shall be sent not later than seven days prior to the meeting date. 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 and considered as New Business 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 Chairman~~ 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 in accordance with subsection (iv) hereof: "I hereby propose the foregoing Resolution to be voted upon at the next lawful meeting 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, 61
- 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.

(5) Article III [Organization and Procedure] of the Rules for the Government of the Kings County Democratic County Committee is amended by adding the italicized text to the following §4 to read as follows:

§4 A quorum at all meetings of the County Committee for the purpose of transacting any business shall consist of ~~450~~ 300 members present in person or by webconference ~~proxy~~, *including no less than ten (10) members of the County Committee from each of no less than four (4) 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, 61*
- g] 43, 56, 57*

*Any members participating by proxy shall not be counted in order to determine quorum. 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.*

(6) Article III [Organization and Procedure] of the Rules for the Government of the Kings County Democratic County Committee is amended by removing §7 [Emergency Provisions during COVID-19 Pandemic] in its entirety.

(7) Article V [The Executive Committee] of the Rules for the Government of

the Kings County Democratic County Committee is amended by adding italicized text to the following §1 and §3 to read as follows:

§1. The Executive Committee shall be a standing committee of the County Committee. It shall be composed of the *members of the* ~~each person certified by the Board of Elections as having been uncontested for election or having received the greatest number of votes for election as a member of the Democratic State Committee~~ from the County of Kings, the Chairperson, *the First Vice-Chairperson*, Secretary, Treasurer and Assistant Treasurer of the County Committee; except that only ~~those persons who were elected as and those persons elected by the Executive Committee to fill vacancies in its membership resulting in vacancies on the State Committee~~ *members of the State Committee* shall be authorized to vote. *The KCDC email address for the Secretary shall be posted on the KCDC website.*

§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 or *First Vice-Chairperson* (as delegated or in the absence of the Chairperson) upon not less than twelve hours notice by *email (with members able to opt out and choose postal mail or telephone or telegram)*. 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 Vice Chairperson ~~Secretary~~ shall call such special meeting to be held on a date not more than ten *business days* after ~~receipt of~~ such written request *is sent*.

(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 *email (with members able to opt out and choose postal mail or telephone or telegram)* to each member at least ~~five~~ *ten business 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 ~~Chairman~~ *Chairperson* of the Executive Committee is authorized to convene special meetings via telephone, *webconference*, 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.

(8) Article VI [Committees of the County Committee] of the Rules for the Government of the Kings County Democratic County Committee is amended by adding italicized text to the following §5 to read as follows:

§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 insure 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 *and issue a report to the Executive Committee, containing the outcome of each rules interpretation, within 30 days of referral.* The Committee shall meet no less than ~~ten~~ twenty-one, nor greater than forty days before the organization meeting of the County Committee to study and recommend the adoption of the Rules for the County Committee, *as well as to elect the Chair of the Organizational Meeting.*

(9) Article VI [Committees of the County Committee] of the Rules for the Government of the Kings County Democratic County Committee is amended by adding the following §6 to read as follows:

§6. *The Judicial Screening Committee shall have the duty to independently evaluate candidates for judicial office and publish determinations as to such candidates' qualifications. The Chair of the Judicial Screening Committee is chosen by a vote of the County Committee every two years at the January meeting. The Chair of the Judicial Screening Committee shall be an attorney in good standing and not be a paid elected official or an Executive Committee member. The Judicial Screening Committee shall have its own set of rules, which shall prescribe the method of selection for Judicial Screening Committee members. On an annual basis, at the last Executive Committee meeting of the calendar year, the Chair of the Judicial Screening Committee shall present a report detailing the age, race, gender, and geographic diversity of its members for the most recent cycle. The rules of the Judicial Screening Committee shall be reviewed and approved by a vote of the Executive Committee at their first meeting of the year following the organizational meeting and annually thereafter. Such rules shall also be posted on the KCDC website.*

(10) In enacting the within provisions, the Kings County Democratic 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. Restrictions limiting a political party's discretion in how to organize itself, conduct its affairs, and select its officers infringes upon the party's right to free association. *Eu v. San Francisco County Democratic Central Committee*, 489 U.S. 214 (1989).

Signed and so moved,

\_\_\_\_\_ (Movant) \_\_\_\_\_ (Date)

\_\_\_\_\_ (Secondor) \_\_\_\_\_ (Date)

\_\_\_\_\_ (Secondor) \_\_\_\_\_ (Date)

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