

RULES OF THE ALBANY COUNTY DEMOCRATIC COMMITTEE

Jacob Crawford, Chair

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ARTICLE I - GENERAL PROVISIONS

SECTION 1. PURPOSE. The Albany County Democratic Committee, hereinafter referred to as the "ACDC", shall represent the enrolled members of the Democratic Party in Albany County, New York and shall be the general committee of the Party within the County. The ACDC 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 ACDC 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 ACDC 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, activities, and organizations of the ACDC, 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.

SECTION 6. OTHER PARTY ORGANIZATIONS. Any organization which is sponsored by or affiliated with the ACDC, 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 ACDC

SECTION 1. TERMS OF MEMBERS OF THE ACDC. The members of the ACDC shall be elected biennially at the organizational meeting in each even numbered year in accordance with the New York State Election Law §2-106. Except in the case of filling vacancies, the term of each member shall commence with their election and end with the next succeeding biennial election.

SECTION 2. QUALIFICATION OF MEMBERS. Each member of the ACDC shall be an enrolled Democrat and shall have their 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 ACDC that each member have their 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 ACDC members shall be directed to the County Chair and to the appropriate Ward Leader or Town or City Chair as described in Article VII of these rules. In the event of a vacancy in the membership of the ACDC 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 ACDC pursuant to the provisions of the Election Law, by the selection of a enrolled Democrat qualified for election pursuant to Section 2 of this Article, at the next ACDC meeting. Until a vacancy is filled pursuant to the Election Law, the County Chair may appoint an acting ACDC member on an interim basis recommended by the Ward Leader or Town or City Chair. If no such recommendation has been made within 60 days of such vacancy, the County Chair may appoint such acting member. Each such acting ACDC member shall have all the powers and duties and be subject to all the responsibilities of an elected ACDC member except that such acting member shall have no vote at a meeting of the ACDC 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 ACDC POSITION. In the event of a tie vote in a primary election for the position of member of the ACDC, the Chair of the ACDC with the advice of the appropriate Ward Leader or Town or City Chair, 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 ACDC and the County Chair shall seek to increase the involvement of women, minorities, youth, people of color, 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 ACDC as defined in Article I, Section 5 of these rules, including but not limited to committees appointed by the County Chair.

ARTICLE III - ORGANIZATIONAL MEETING

SECTION 1. ORGANIZATIONAL MEETING.

- A. Time: The ACDC shall meet and organize as provided by New York State Election Law §2-112(b) [no earlier than September 17th and no later than October 6th following the June primary]. In the event the Election Law is amended after the effective date of these Rules, the Election Law shall control the timeframe in which the organizational meeting shall be held..
- B. Presiding Officer: The Chair of the Outgoing Committee shall call to order such organizational meeting and shall preside over such meeting until the election of a new County Chair, except that if the holdover Chair is a candidate for re-election, they shall name a temporary Chair to preside over the election of a Chair only.

In the absence of the Chair, the First Vice Chair succeeded by the Second Vice Chair, succeeded by the Secretary, succeeded by the Treasurer of the ACDC, 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 ACDC elected as temporary Chair by those members present.

SECTION 2. MEETING CALL AND NOTICE. The organizational meeting shall be held on the call of the Chair at such time and place and for such purpose as may be fixed by the Chair upon written notice mailed to the last known post office address of each member of the ACDC at least fourteen (14) days organizational meeting prior to the time such meeting is called.

SECTION 3. ORDER OF BUSINESS. The following shall be the business at the organizational meeting of the ACDC:

1. Call to Order
2. Call of the roll and determination of Quorum
3. Approval of minutes of previous meeting
4. Report of Treasurer
5. Filling of vacancies in the ACDC
6. Appointment of Temporary Chair
7. Election of Officers
8. Other business as permitted in Article III, Section 5(b).
9. Adjournment

ARTICLE IV – MEETINGS OF THE FULL ACDC

SECTION 1. PURPOSE. Meetings of the full ACDC shall be called for any purpose permitted under New York State Election Law or as for any purpose as may be deemed by the County Chair, or by petition of the ACDC members are provided in Section 2(A) of this Article. The requirements of this Article set forth herein shall apply to the organization meeting unless a different procedure is set forth in Article III in which instance the procedure set forth in Article III shall apply.

SECTION 2. MEETING CALL AND NOTICE.

A. Place and Call:

- i. At least one meeting of the ACDC shall be held each year upon the call of the Chair at such time and place as may be fixed by the Chair and after notice to members.
- ii. A meeting of the ACDC may also be called 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 ACDC. Such meetings must be called within 14 days after receipt of such petition and shall only cover the purpose or purposes stated in the petition requesting that the meeting be held.

B. Notice:

- i. Notice of the organizational meeting shall be given in accordance with the requirements of Article III.
- ii. Meetings called pursuant to Petition in accordance with Section 2(A)(ii) shall be called upon written notice mailed to the last known address of each member of the ACDC fourteen (14) days in advance of the meeting.
- iii. All other meeting shall be called upon written notice mailed to the last known address of each Member of the ACDC ten (10) days in advance of the meeting.

- iv. In the instance that individual County Members have authorized notice via electronic mail, the Chair may, but is not required, provide notice of any meeting via electronic mail in lieu of postal service mailed written notice.
- C. Open Meetings. Meetings of the full ACDC shall be open to the public. The public shall be required to remain in designated areas during such meetings and shall not interfere with such meetings.

SECTION 3. QUORUM AND VOTING.

- A. Quorum. Prior to the commencement of all meetings of the ACDC or upon the arrival of each member at such meetings, each member shall sign a membership roll prepared by the Secretary of the ACDC. A quorum at all meetings of the ACDC 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.
- B. Voting.
- i. Voting at meetings of the ACDC shall be viva voce unless the Chair 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.
 - ii. 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.
 - iii. The Secretary shall record the results of such votes. Voting by the ACDC 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.
 - iv. Proxy Voting. A member of the ACDC who is absent from a meeting of such Committee may be represented at such meeting by another Committee member as their proxy subject to the following procedures:
 - (a) Unless otherwise permitted by New York State Election Law or Executive Order, no Committee member can vote with more than three (3) proxies.
 - (b) Proxy votes shall be given to the Secretary of the ACDC prior to the commencement of all meetings of the ACDC or upon the arrival of each proxy representative at such meetings.
 - (c) Proxy votes shall not be used for the purpose of constituting a quorum pursuant to Section 4 of this Article.
 - (d) 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 ACDC, at the meeting of the 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 ACDC Member

SECTION 4. FLOOR PRIVILEGES. Speaking privileges are reserved for officers and members of the ACDC and the Executive Committee as herein provided, however, members of the public upon the invitation of the County Chair or by majority vote of the ACDC may also have such privileges. No member of the ACDC 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 Chair or by majority vote of the ACDC.

SECTION 5. ORDER OF BUSINESS. At all meetings of the ACDC the following shall be the order of business unless the County Chair directs otherwise:

- (i) Call to order
- (ii) Call of the roll and determination of Quorum
- (iii) Reading and adoption of minutes of previous meetings
- (iv) Filling of vacancies in the ACDC
- (v) Report of officers
- (vi) Other business as permitted by Section 3(b).
- (vii) Adjournment

B. Other business may be placed on the agenda in advance by the County Chair, a majority vote of the Executive Committee or by written petition submitted to the County Chair at least 3 days prior to a meeting. Such petition must state the business to be placed on the agenda and must be signed by a minimum of 10% of the members of the ACDC.

ARTICLE IV - OFFICERS OF THE ACDC

SECTION 1. ELECTION OF OFFICERS. The officers of the ACDC shall be the Chair, a First Vice Chair, a Second Vice Chair, a Secretary, and a Treasurer. Such officers shall be elected by majority vote of the ACDC at its organizational meeting and shall serve as such until the next organizational meeting of such ACDC 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 ACDC and none of the officers of the ACDC 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 Chair or other officer presiding in their absence may vote to decide any question in the event of a tie vote.

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

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

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 ACDC; keep a correct account thereof; pay all bills that have been approved by the Chair or by the Executive Committee; render an annual financial report and comply on behalf of the ACDC with all financial filing requirements of the State Board of Elections.

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

A vacancy in any other office of the ACDC as set forth in Section 1 of this Article shall be filled for the remainder of the term by the Chair 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 ACDC between meetings of such ACDC, 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 ACDC, 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 ACDC, to provide advice and consent regarding recommendations to the ACDC 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.

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.

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.

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

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

2.6 Terms extend from the organizational meeting of the ACDC to the subsequent organizational meeting of the ACDC 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 Chair 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 Chair, may be declared vacant by the Chair upon majority approval of the Executive Committee. None of the members of the Executive Committee need be members of the ACDC but each shall be an enrolled Democratic voter who shall have their 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 they 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 their most recent election shall have been comprised of votes cast within Albany County, provided that such elected official maintains their primary residence in Albany County; (c) the Chair 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; (d) the Chairs of any County standing and/or special committees as appointed at the County Chair Person's discretion 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 Chair within 40 days after their election at such time and place as the County Chair may designate. In the event of the failure of the County Chair 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 Chair 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 Chair. In addition, meetings of the Executive Committee may be called by the County Chair

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 Chair upon the written request of at least 15 of the voting members of the Executive Committee.

The County Chair shall preside over all meetings of the Executive Committee and the Secretary of the ACDC 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

There shall be the following standing committees of the ACDC: Executive Committee, Finance Committee, Law Committee, Candidate Review Committee, and Ethics Committee.

- A. Members of Committees established pursuant to this Article shall be appointed by the Chair of the County Committee unless otherwise provided by these rules and shall serve at their pleasure, except that terms of appointments shall be contemporaneous with the term of the ACDC. The Chair of each standing committee created hereunder shall be appointed by the Chair of the ACDC. A member of any committee created in this Article need not be a member of the ACDC but shall be an enrolled Democrat having their primary residence in Albany County.
- B. To the extent feasible, membership of each standing committee shall be composed of an equal number of members who identify as women and members who identify as men.
- C. The County Chair shall be an ex-officio non-voting member of each standing committee.

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 Chair.

SECTION 2. LAW COMMITTEE.

- A. There shall be a Law Committee consisting of a minimum of five (5) members, which shall advise the ACDC and its officers on all legal questions arising in connection with the affairs and activities of the ACDC; shall act as a Judicial Candidate Review Committee, which shall provide the opportunity for candidates' interviews and report to the County Chair and the Executive Committee for recommendation to the ACDC pursuant to Article VIII of these rules; and shall perform such other appropriate duties as shall be requested by the County Chair.

- B. There shall be a separate Law Committee constituted for the purpose of acting as a Judicial Candidate Review Committee to screen judicial candidates for judicial elections solely within the City of Albany (City of Albany Law Committee). The City of Albany Law Committee shall not review or propose any recommendations for judicial offices which are to be elected county-wide. The membership of the City of Albany Law Committee shall be appointed by the County Chair and, to the extent possible include representation from the various Wards of the City.

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 Chair and the Executive Committee for recommendation to the ACDC pursuant to Article VIII of these rules; and shall perform such other appropriate duties as shall be requested by the County Chair.

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

SECTION 5. OTHER SPECIAL COMMITTEES. The Chair of the ACDC may appoint from such special committees as they may deem desirable or necessary.

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 ACDC 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 ACDC have been elected, the Ward Leader, Town or City Chair 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/Chair 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 ACDC 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 ACDC members representing election districts within such Wards.

2.2. The Chair and other officers of the Ward, Town or City Committees need not be members of the ACDC. Each shall be an enrolled Democratic voter who shall have their primary residence in the Ward, Town or County Legislative District wherein they 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 Chair 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 they 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 they 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 Chair on the effective date of this section shall not be required to vacate the position to which they 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 they 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 ACDC.

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 ACDC 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 Chair and to the Executive Committee. The County Chair 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 Chair from making no recommendation to the ACDC 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 ACDC for County-wide, National or State public office or by those members of the ACDC representing election districts corresponding to such offices where applicable. Nothing herein shall prohibit any member of the ACDC from making a nomination for public office at meetings of the ACDC 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 ACDC 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 Chair and to the Executive Committee. The County Chair may make a recommendation of a candidate to the ACDC 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 Chair from making no recommendation to the ACDC 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 Chairs 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 ACDC 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 Chair shall coordinate these procedures unless the County Chair is not a resident of the City of Albany in which case the Ward Leaders representing such Election Districts shall elect a temporary Chair 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 ACDC members representing such election districts. The County Chair 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 ACDC members representing election districts corresponding to such office or by a Committee or subcommittee thereof. Nothing in this Section shall prohibit ACDC 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 ACDC 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 Chair 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 they are 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 and members can help earn that public trust.

- A. 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 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.
- B. It is also essential that the ACDC be inclusive of all person, regardless of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status; and that the ACDC have a zero tolerance approach to discrimination and sexual harassment.
- C. 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.

"ACDC Committee Ethics Commission". The ACDC Ethics Commissions, 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 ACDC as the "county leader" or "chairman of the executive committee") by whatever title designated, who pursuant to the rules of the ACDC 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 ACDC;
- (ii) the power of general management over the affairs of the ACDC;
- (iii) the power to exercise the powers of the Chair of the ACDC as provided for in the rules of the ACDC;
- (iv) the power to preside at all meetings of the Executive Committee of the ACDC, if such Executive Committee is created by the rules of the ACDC 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 ACDC at times when the ACDC is not in actual session.
- (v) the power to call a meeting of the ACDC or of any committee or subcommittee vested with the rights, powers, duties or privileges of the ACDC pursuant to the rules of the ACDC, 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 ACDC to expend funds of the ACDC.

(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. ACDC ETHICS COMMISSION.

There shall be an Ethics Commission which shall have the authority to hear and decide complaints of violations of these rules and issue advisory opinions with respect to any matter arising under the County Code of Ethics. 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 Ethics Committee shall dismiss and take action to discourage unfounded or frivolous complaints.

- A. Confidentiality of Proceedings. All actions undertaken by the Ethics 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.
- B. Membership. 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 ACDC shall serve as a member of the Ethics Committee. No Party Leader of the ACDC, no more than one member of Executive Committee of the ACDC and no more than one officer of the ACDC shall serve as a member of the Committee Ethics Commission. Committee Ethics Commission members shall be nominated by the Chair of the ACDC and appointed with the approval of the ACDC or its Executive Committee. The Chair of the ACDC 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.
- C. Removal of Member. The members of the Committee Ethics Commission may be removed by the Chair of the ACDC 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.
- D. Appointment of Counsel. The Ethics Commission may appoint a counsel to serve at its discretion and may employ other employees or consultants within the budget set by the ACDC.
- E. Rules of Procedure. The Ethics Commission shall establish rules of procedure for the Commission governing standing, complaint hearing process, jurisdiction and the right of appeal which shall be reviewed periodically and amended as necessary to meet the purpose of this Article. Any rules established by the Ethics Commission pursuant to this Section shall not be contrary to the rules and procedures required under this Article. The Ethics Committee shall also 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 committee, would be determined to be violative of Section 6 of this Article.

SECTION 4. Complaint Procedure.

- A. 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.
- B. The Ethics Commission shall establish a written procedure governing the preliminary review and hearing process which shall be made available to all Committee Members and published on the ACDC's website. The procedure established by the Ethics Committee shall comply with the timeframes listed below to allow for prompt review and resolution of all Complaints.
- C. Preliminary Review. Upon receipt or initiation of a complaint, the Ethics Committee shall promptly give the respondent a copy thereof. The respondent may request a hearing 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. Upon notice to the complainant, the Ethics Committee shall conduct an interview of the respondent within 15 days after the request is made therefore. The complainant shall be entitled to be present at such interview, 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 complainant; 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.

- D. Hearing. The respondent shall have seven days from receipt of such notice to notify the Ethics Committee in writing 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. 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.
- E. Determination after Hearing. A quorum of at least four members of the Ethics Committee must be present at any hearing. 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.

- F. Right to Appeal. 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. 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.
- 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, , 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.
- H. 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 or 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 5. CONFLICT OF INTEREST.

- I. No Party Leader, no firm or association in which such Party Leader is a member and no corporation, ten per centum or more of the stock of which is owned or controlled directly or indirectly by such Party Leader, during the Party Leader's tenure in office shall:
- (A). receive, directly or indirectly, or enter into any agreement express or implied, for, any Compensation, in whatever form, for the appearance or rendition of services (whether by such Party Leader, firm, association, corporation or another) (x) in relation to any bill, resolution or other matter before any Legislative Body or (y) in relation to any case, proceeding, application or other matter before any State Agency 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:
 - (a) nothing shall prohibit (x) a leader, acting leader, officer or other employee of a committee other than the ACDC (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

1. the identity of the source of such Compensation, the identity of such Party Leader (including their party position) and the fact of such representation are promptly disclosed in writing to the Committee Ethics Commission; and
2. the Compensation received for such appearance or rendition is not contingent upon the success of any enterprise or the success of any case, proceeding, application or other matter pending before such Agency or 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
3. any such case, proceeding, application or other matter involving the sale or lease by or to such Agency of any goods, services or real property is subject to reasonable public notice and competitive bidding or other selection process unrelated to the use of undue or improper influence;

(b) nothing shall prohibit such Party Leader, firm, association or corporation from appearing before a State Agency 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 their 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 they is a member, associate, retired member, of counsel to or shareholder;

B. (x) sells 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 ACDC (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

- 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 their 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 ACDC 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 they would not share in the net revenues as so defined.

II. Notwithstanding and in addition to the foregoing provisions of Article IX, Section 5, Subsection I herein (i) 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 I(A) shall orally communicate, with or without Compensation, as to the merits of such cause with an officer or an employee of the Agency concerned with the matter; and (b) no Party Leader shall use or attempt to use their 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 they has a family, employment or business or financial relationship any benefits, privileges or exemptions not generally available to members of the public.

SECTION 6. PROHIBITED PRACTICES ADVERSELY AFFECTING THE POLITICAL PROCESS.

6.1. 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.

6.2. 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.

6.3. 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.

6.4. 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 ACDC or attempt in any way to prevent another member of the Party from exercising such rights, privileges and immunities.

6.5 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.

6.6 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 4 hereof and the imposition of sanctions for any such violation pursuant to Section 10 hereof. For the purposes of this section the term "party official" means one who holds any party positions 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.

6.7. No Municipal Committee shall publicly oppose a candidate for election of a County-wide or State Office that has been endorsed by the ACDC. In the event of a primary election, no municipal committee shall publicly support or financially contribute to a candidate for County-wide or State office that is not the Democratic Candidate in the general election.

SECTION 7. DUAL OFFICE-HOLDING. No Party Leader, during their 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 80,000 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 8. SEXUAL HARASSMENT

- A. Policy Statement. Albany County Democratic Party (ACDC) is committed to providing a safe environment for all its members free from discrimination and harassment on any ground, including sexual harassment. ACDC will operate a zero tolerance policy for any form of sexual harassment and treat all incidents seriously and promptly investigate all allegations of sexual harassment. All sexual harassment is prohibited no matter the location. Any person found to have sexually harassed another will face disciplinary action. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence.
- B. Definition of sexual harassment. Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated, and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition, as well as situations which create an environment which is hostile, intimidating, or humiliating for the recipient. Anyone can be a victim of sexual harassment. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

Sexual harassment is any conduct of a sexual nature which is unwanted and unwelcome by the recipient and can involve one or more incidents. Actions constituting harassment may be physical, verbal, and non-verbal.

Examples of conduct or behavior which constitute sexual harassment include, but are not limited to:

- i. Physical conduct. Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching, physical violence, including sexual assault; physical contact, e.g. touching, pinching; the use of threats or rewards to solicit sexual favors
- ii. Verbal conduct. Comments on a person's appearance, age, private life, etc., sexual comments, stories and jokes, sexual advances, repeated and unwanted social invitations for dates or physical intimacy, insults based on the sex of the worker, condescending or paternalistic remarks, sending sexually explicit messages (by phone or by email)
- iii. Non-verbal conduct. Display of sexually explicit or suggestive material, sexually-suggestive gestures, whistling directed towards an individual, leering.

C. Reporting and Accountability. All complaints of sexual harassment shall be referred to the Ethics Committee for review and determination, which shall include a hearing. The Complainant's identity shall be kept confidential to all except for Ethics Committee members and the Respondent. All hearings shall be kept private.

SECTION 9. 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 10. 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 of Ethics Commission related thereto, and that they 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 11. SANCTIONS.

11.1 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.

11.2 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.

11.3 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.

11.4 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 12. REVISION AND AMENDMENT. The Committee Ethics Commission shall review the provisions of the Code of Ethics from time to time and recommend to the ACDC such changes or additions as it may consider appropriate or desirable.

SECTION 13. 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 ACDC 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 ACDC pursuant to Section 6 of Article III of these rules at any meeting of the ACDC, 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 _____ 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.