

Memo to: The Erie County Democratic Committee

From: Rules Committee

Chair: Jerry Schad; Members: Chuck Eaton, Howard Johnson, Michele Iannello, Hope Hoetzer-Cook, Rebecca Bylewski, Brittany Penberthy, Erich Weyant
Ad hoc members: Jeremy Zellner, ECDC Chair, and Katherine Cromley, ECDC Exec. Dir.

Date: 9/1/2020

Topic: Recommended Changes to the Rules of the Democratic County Committee of Erie County to be adopted at the 2020 ECDC biennial reorganization meeting in September 2020.

During the Summer of 2020, the Rules Committee identified that the current ECDC Rules necessitated the following changes and updates to:

- (1) authorize use of electronic notice members to calling meetings of ECDC’s subordinate committees [*see*, Article 1, Section 8’s modified last sentence],
- (2) overcome the Fourth Department’s 2018 adverse ruling in *Cox v. Spoth*, 165 A.D.3d 1648 to cure a weakness in the current rules for nominations occurring before the biennial reorganization of the ECDC Executive Committee [*see*, Article 1 Section 12’s new third paragraph],
- (3) establish an Election-Law-compliant Erie County Democratic Legislative Campaign Committee to conduct fundraising for Legislative Candidates [*see*, Article XI’s new name and new Section 2],
- (4) modernize the standards and membership of ECDC’s Judicial Advisory Council [*see*, the new Article XII replacing the obsolete Article XII] and
- (5) establish standards for conducting Virtual Meetings when such meetings are necessary in limited circumstances [*see*, new Article XVI, which results in renumbering the old Article XVI “Amendments, Additional Rules, Miscellaneous” as Article XVII].

The text of the Rules Amendments appear below. *New language is in italics*. Existing language is not.

(1)

ARTICLE I – GENERAL PROVISIONS

Section 8. [change to last sentence only]

Provided, however, the Chair of the Erie County Democratic Committee may, *in the Chair’s discretion*, call a meeting of a subordinate committee *(a) by e-mail or other electronic means and (b) with less notice than herein provided if the chair deems it necessary for the proper good of the Committee as a whole.*

(2)

ARTICLE 1 – GENERAL PROVISIONS

Section 12, Officers of the County Committee.

[new unnumbered third paragraph]

“In the event a nomination, designation, authorization or filling a vacancy is required during the period following the election of County officers and preceding the biennial Town, City and Zone reorganization meetings, the duly elected Chair, Five Vice Chairs, Secretary, Treasurer and Sergeant at Arms shall be empowered to make nominations, designations, authorizations and fill vacancies for public offices as extensive as described in Article II of these Rules for the Executive Committee and only until the Executive Committee is fully constituted. The power shall be exercised, at a meeting called by the Chair for such purpose, by a majority vote (5 or more) of the whole number of the officers.

(3)

ARTICLE XI – FINANCIAL MATTERS

Section 2. *An Erie County Democratic Legislature Campaign Committee (ECDLCC) is established and authorized by these rules and shall constitute a party committees under Article 14 of the New York State Election Law. The Treasurer of the County Committee shall also be Treasurer of the ECDLCC.*

(4)

ARTICLE XII- JUDICIAL ADVISORY COUNCIL

Section 1. *There shall be a Judicial Advisory Council, appointed by the County Chair, and designating a respective Chair thereof, which shall interview candidates for those judicial offices to be voted on by the Executive Committee, whose objective shall be of ensuring a fair, qualified, and diverse judiciary. Insofar as possible, the Council’s membership shall include a broad cross section of the community and professional affiliations, with no greater than half of its members consisting of Executive Committee members. Consideration shall be given to those with legal experience.*

Section 2. *Candidates for judicial office shall be afforded an opportunity to meet with the Judicial Advisory Council. Said Council shall ascertain the qualification of these candidates based upon the candidates’ experience and knowledge of the law, judicial temperament, and moral character. No finding on the qualifications of any candidate shall occur until after a thorough inquiry has been made by the Council.*

Section 3. *The Council shall have the option of finding any candidate “Highly Recommended,” “Acceptable,” or “Not Recommended.” To be “Highly Recommended,” a candidate must receive more than 50 percent of the votes from the Council in favor of that categorization. To be found “Not Recommended,” a candidate must receive more than 50 percent of the votes in favor of that categorization. In all other cases, the candidate shall receive an “Acceptable.” The Judicial Advisory Council Chair shall provide an oral report of the candidate inquiry, inclusive of any finding determined, to the Executive Committee of the Erie County Democratic Party.*

(5)

ARTICLE XVI – VIRTUAL MEETINGS

Section 1. *The County Chair shall be empowered to call “virtual” meetings to conduct party business of the Executive Committee (Article II), Special Committees (Article III), and the Judicial Advisory Council (Article XII) only when circumstances make it impossible, unreasonable or unsafe for members to assemble in person to conduct business. Under these special circumstances, the County Chair shall also be empowered to authorize virtual meetings of subordinate committees. All virtual meetings must comply with the procedures of outlined in Section 2 of this Article.*

Section 2. *Virtual meetings shall be called and conducted using the following procedures:*

- (a) *Notification: E-mail or other electronic notification shall occur at least (4) days prior to the meeting and the specific circumstance requiring a virtual meeting shall be stated.*
- (b) *Proof of notice: A copy of the notice shall be maintained that includes the date sent, and the names and electronic addresses of all individuals notified.*
- (c) *Quorum:*
 - a. *A quorum shall be determined by a roll call by the Chair or the Chair’s designee of those indicated as participating in the virtual meeting and shall be deemed sufficient when the number required for quorum is reached.*
 - b. *A record of the quorum present shall be transcribed, by any reasonable means, of the names, phone numbers, e-mail addresses or other electronic identifiers that indicate an individual’s attendance at the virtual meeting.*
- (d) *Motions: On all motions, the motioner and seconder shall state his or her name before motioning or seconding.*
- (e) *Roll call voting: Roll call voting of meeting participants shall only be required in the event of a vote lacking unanimity when the voting outcome is not clear by voice vote.*
- (f) *Required records: Records of notice, quorum and votes taken shall be maintained as with any other meeting.*

ARTICLE XVII – AMENDMENTS, ADDITIONAL RULES, MISCELLANEOUS