

Motion for Amendment to the Rules for the Government of the
Kings County Democratic County Committee
Relating to Vacancies, Organization and the Executive Committee

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 Kings County Democratic County Committee was unable to complete the agenda of the Organizational Meeting within one meeting date, for the last two Organizational Meetings, and in 2022, a second date and location had to be arranged within a short period of time to complete the agenda, and a date, time, and location were chosen in the middle of the day on a weekday, which was not convenient for several County Committee members, 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 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, and

WHEREAS, in 2024, email and print communications were sent out on behalf of the Kings County Democratic County Committee, some of which expressed support for certain candidates running for the office of State Committee member, and there was no consultation with or vote taken by either the Executive Committee or the County Committee, either related to the sending of such communications or the endorsements of such candidates, prior to the sending of such communications,

NOW THEREFORE, it is moved by Angela Kravtchenko for the County 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, *or in the event that the Assembly District Committee has not yet organized, upon the nomination of five members at the next County Committee meeting.* 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 III [The County Committee 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 time is on an evening or a weekend and 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) Any proposed amendments to the Rules shall be voted upon at the organizational meeting of the County Committee or at subsequent meetings of either the County Committee or the Executive Committee.

~~(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) *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.*

(C) *While both web-conferenced 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.*

(3) Article III [The County Committee 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. *The notice shall also include a second date and location where any business not completed on the first meeting date will be addressed. If the meeting agenda is not completed, any continuation or adjournment of the meeting on a different day not prescribed in the original meeting notice should occur with the same standards of accessibility, in the evening or on a weekend, and be accomplished by a new notification to all County Committee members with at least five days notice, a new filing of proxies, and the continued establishment of a quorum otherwise consistent with the rules described herein.*

(4) 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.

(5) 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 State Committee* ~~members elected from Kings County, persons elected by the Executive Committee to fill vacancies in its membership resulting from~~

~~vacancies in the State Committee from the County of Kings, and the Chairperson, the First Vice-Chairperson, Secretary, Treasurer, and Assistant Treasurer of the County Committee; except that only those persons who were elected as State Committee members and those persons elected by the Executive Committee to fill vacancies in its membership resulting from vacancies on the State Committee members of the State Committee shall be authorized to vote. The KCDC email address for the Secretary shall be posted on the KCDC website. Further, any communications sent out on behalf of the Kings County Democratic Committee shall be approved by the Executive Committee.~~

§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, telegram, email, text message or telephone)*. Upon a written request for a special meeting signed by a majority of members of the Executive Committee, the Chairperson, or in ~~their~~ *his/her* absence, the *First 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 ~~mail, email, text message~~ *(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 ~~their~~ *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.

§11. ~~Members of the Executive Committee who are also members of the State Committee shall possess the duties, powers and functions of an Assembly District Leader or an Associate Assembly District Leader.~~

(6) [RULES OF ORDER] of the Rules for the Government of the Kings County Democratic County Committee is amended by adding the italicized text to Rule XIII to read as follows: At the discretion of the Chair of the Executive Committee, voting at any meeting of the County Committee may be conducted by electronic voting, electronic ballot scanning and/or signed paper ballot. Any voting procedure which is capable of recording the actual vote of the member so voting, shall be deemed a roll call vote and further division of the house shall be prohibited. *The Chairperson of the Executive Committee should ensure integrity in the voting process, including ensuring that all proxy votes are appropriately applied, that all Members of the Executive Committee have an opportunity to review the*

process prior to the Organizational Meeting, and that a record of any votes counted by electronic means are provided immediately after the meeting to all County Committee members.

(7) 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).