

THE CITY RECORD

CONFLICTS OF INTEREST BOARD

Adoption of Rule

The Conflicts of Interest Board adopted the following rule at its meeting on March 30, 1990:

Section 11. Definition of a Lesser Political Office Than That of Assembly District Leader Which May be Held by Members of the City Council.

For purposes of Charter Section 2604b(15), the definition of a political office which is a "lesser political office" than that of assembly district leader includes: (1) membership on a county committee; (2) membership on a county executive committee; and (3) membership on a state committee.

Statement of Basis and Purpose of Regulation:

Pursuant to the authority vested in the Conflicts of Interest Board by Section 2604b(15) of the New York City Charter and in accordance with the requirements of Section 1043 of the New York City Charter, the Conflicts of Interest Board is authorized to promulgate a rule concerning the definition of a "lesser political office" than that of assembly district leader which may be held by members of the City Council, for the purpose of ensuring compliance by the City and all public servants with the applicable provisions of the conflicts of interest law. New York City Charter Section 2604b(15) provides that a member of the council may serve as an assembly district leader or hold any lesser political office.

The requirement that this regulation not become effective until thirty days after publication shall not apply because, pursuant to Charter Section 1043e(c), the Conflicts of Interest Board has found in writing that a substantial need exists for earlier implementation due to the January 1, 1990, effective date of certain provisions of the revised Chapter 68 of the Charter and the Mayor has approved the Board's finding by letter dated December 4, 1989.

Dated: April 23, 1990

Merrell E. Clark, Jr., Chair

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CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD

Notice of Adoption of Amendment
To Rule on Definition of Lesser Political Office Than That
of Assembly District Leader Which May be Held by
Members of the City Council

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Conflicts of Interest Board by Sections 2603(a) and 2604(b)(15) of the New York City Charter that the Conflicts of Interest Board has adopted an amendment to its rule on the definition of lesser political office than that of assembly district leader which may be held by members of the City Council, Section 1-03 of Title 53 of the Rules of the City of New York, adding membership on a national committee of a political party to the list of permitted offices.

Pursuant to a notice published on May 24, 1999, in The City Record, a public hearing was held on June 28, 1999, at 2 Lafayette Street, Suite 1010, New York, New York. The Board received no comments on the proposed amendment and adopted the proposed amendment as final. The text of the amendment is set out below.

SECTION 1-03. DEFINITION OF LESSER POLITICAL OFFICE THAN THAT OF ASSEMBLY DISTRICT LEADER WHICH MAY BE HELD BY MEMBERS OF THE CITY COUNCIL

For purposes of Charter §2604(b)(15), the definition of a political office which is a "lesser political office" than that of assembly district leader includes:

- (a) membership on a county committee;
- (b) membership on a county executive committee; [and]
- (c) membership on a state committee; and
- (d) membership on a national committee.

STATUTORY AUTHORITY: Sections 2603(a) and 2604(b)(15) of the New York City Charter.

STATEMENT OF BASIS AND PURPOSE OF THE AMENDMENT:

Charter Section 2604(b)(15) provides:

No elected official, deputy mayor, deputy to a citywide or boroughwide elected official, head of an agency, or other public servant who is charged with substantial policy discretion as defined by rule of the board may be a member of the national or state committee of a political party, serve as an assembly district leader of a political party or serve as the chair or as an officer of the county committee or county executive committee of a political party, except that a member of the council may serve as an assembly district leader or hold any lesser political office as defined by rule of the board.

Rules Section 1-03, the Board's rule defining "lesser political office", currently identifies three "lesser" offices which members of the City Council may hold: (a) member of a county committee; (b) member of a county executive committee; and, (c) member of a state committee.

An examination of the history of Charter Section 2604(b)(15), which was adopted following the 1989 Charter revision process, and of the Rules Section 1-03, which was promulgated on the heels of the Charter revision, reveals no consideration of the national committees of political parties in the discussion of what "lesser political offices" members of the City Council might be permitted to hold. The Board thus now considers, for the first time, whether membership in a national committee of a political party is, within the meaning of Section 2604(b)(15), a lesser political office than district leader.

Section 2604(b)(15) was enacted following the municipal corruption scandals of the 1980's, and had, in limiting certain high-ranking officials from holding high party office, two primary purposes: to prevent dual loyalty, and to prevent the undue concentration of power. For further discussion of its history, see Golden v. Clark, 76 N.Y. 2d 618, 563 N.Y.S. 2d 1 (1990), where the Court of Appeals rejected a constitutional challenge to Section 2604(b)(15). In examining the question, therefore, of whether a national committee member is a lesser position than district leader, the Board looks to the evils sought to be prevented, and in particular to what real power a national committee member exercises in New York City government or politics.

In fact, in New York City, while district leaders elect the powerful county leaders, and while state committee members provide access to the primary ballot, otherwise available only through the petition process, national committee members exercise little if any local political power. The national committees (whose members number in the low hundreds)

are charged with running the affairs of their party between national conventions and also fill, in the unlikely event that a vacancy occurs, a vacated nomination for president or vice-president. These duties, however, give the members of the national committee of a political party little, if any, significant political power in New York City, and in any event less power than the already permitted positions of district leader, county committee member, county executive committee member, or state committee member. The Board accordingly amends Rules Section 1-03 to add membership on a national committee of a political party to the list of those party positions which a member of the City Council may hold.