

GENTILE and CIAMPOLI
FEDERAL ELECTION COMMISSION
ATTORNEYS AND COUNSELLORS AT LAW
SECRETARIAT OFFICE OF GENERAL COUNSEL

GLEN JEREMIAH GENTILE
JOHN N. CIAMPOLI
OF COUNSEL
HARLAN WITTENSTEIN

2000 JUL 25 A 10: 35 24 11 15 AM '00

MAIN OFFICE
220 OLD COUNTRY ROAD
MINEOLA, NEW YORK 11501
(516) 739-2041

NEW YORK CITY OFFICE
POST OFFICE BOX 204
BROOKLYN, NEW YORK 11209
(718) 748-0017

STATE CAPITAL OFFICE
POST OFFICE BOX 817
TOWN OF KINDERHOOK
VALATIE, NEW YORK 12184
(518) 758-1845

**PLEASE REPLY TO
MAIN OFFICE**

July 12, 2000

AOR 2000-21

Commissioners
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: Conservative Party of the State of New York, Committee ID Number C00282343

Honorable Commissioners:

On behalf of our clients, the New York State Conservative Party, and Michael R. Long, Chairman, we herewith request an advisory opinion of the Federal Election Commission as set forth herein pursuant to the provisions of the Federal Elections Campaign Act of 1971, as amended (hereinafter, "the Act").

Specifically we are requesting an opinion as to the status of the New York State Conservative Party (hereinafter, "Conservative Party", or "the party") under the provisions of the Act regarding the definition of a "political party", 2 U.S.C. 431 (16) and 11 CFR 100.15, and, further, under the provisions of the Act defining the term "State Committee", 2 U.S.C. 431 (15) and 11 CFR 100.15.

It is our contention that the Conservative Party is a political party existing in New York State since 1962. It is operated via the State Committee of that Party recognized by the State of New York pursuant to the provisions of Articles One and Two of the New York State Election Law. The above referenced political committee is the federal committee associated with the State Committee of the Conservative Party. It is respectfully submitted, that the Conservative Party meets the test established by law, and by the Federal Election Commission to be included within the definition of "political party" and "state committee" under the act and the regulations of the Federal Election Commission.

Submitted herewith, in support of its request for an opinion, is an affidavit of Michael R. Long, Chairman of the Conservative Party, together with a copy of the current party rules regarding the governance of the party throughout the State of New York. Also submitted in

support of this application is an affidavit from Member of the House of Representatives, Vito Fossella. Mr. Fossella was first elected to Congress in a special election in 1997, and was subsequently reelected thereto in the general election of 1998. He is currently seeking reelection to a second full term in the 2000 General Election. In each of these elections Mr. Fossella's committee has received expended in excess of \$5000. He files with the FEC pursuant to the provisions of the Act. His Candidate ID Number is H8NY13028, and his committee's ID Number is C00328070.

We are enclosing herewith a full text of the New York State Election Law^{*}. Furthe, we hereby incorporate by reference the affidavit of Thomas Wilkey and Peter S. Kosinski, the Executive Director and Deputy Executive Director, respectively, of the New York State Board of Elections, which was previously submitted to the Commission.

It is our hope that this information is sufficient for the Commission to conclude that the New York State Conservative Party qualifies as the State Committee of a political party under the provisions of the Act and the regulations of the Commission.

Thank you for your consideration and attention to this request.

Very truly yours,


John Ciampoli, Esq.

* OGC has this volume which is over 500 pages and will not be circulated as part of this AOR. It is available for review.
7-25-2000

AFFIDAVIT

STATE OF NEW YORK)
)ss.:
COUNTY OF KINGS)

VITO J. FOSSELLA, being duly sworn does hereby depose and says:

1. He is currently a member of the United States House of Representatives, elected from the Thirteenth Congressional District of New York, State of New York.

2. He was first elected to this public office in a special election held therefore on November 4, 1997, to fill a vacancy created in said office by the resignation of Susan Molinari.

3. He was subsequently re-elected to the said public office in the general election of 1998.

4. In the special election of 1997, he was nominated for the office of the Member of the House of Representatives for the Thirteenth Congressional District by both the Republican party and the Conservative party Party of the State of New York, the Independence Party and the Right to Life Party, by way of certificates of nomination issued pursuant to the Election Law of the State of New York and the rules of the respective parties.

5. In the 1998 General Election, he was designated and authorized candidate of the Conservative party Party of the State of New York, in addition to being the candidate of the Republican Party and the Right to Life Party for said office.

6. In each of the above referenced elections he was a candidate for federal office as described in 2 U.S.C.431(2).

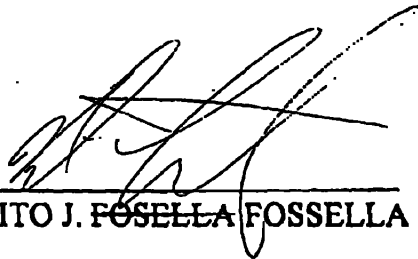
7. In both the 1997 Special Election and the 1998 General Election, his campaign committee did raise and expend in excess of five thousand dollars (\$5,000.00) [see 2

U.S.C.431(2)].

8. He is again a candidate for re-election to the office of Member of the United States House of Representatives in the 2000 General Election.

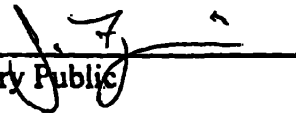
9. He respectfully urges the Federal Election Commission to grant the request for recognition as a state party committee made by the New York State Conservative Party.

10. Upon information and belief, the Conservative Party of the State of New York has been in existence and recognized by the State of New York as a Political Party for nearly thirty years and had nominated numerous candidates for the federal offices of United States Senator, Member of the House of Representatives, as well as President and Vice-President of the United States, in addition to candidates for state and local offices.



VITO J. FOSSELLA FOSSELLA

Sworn to before me on this
13th day of July, 2000.



Notary Public

Jon A. Forgione
Notary Public, District of Columbia
My Commission Expires 12-14-04

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF Kings) s.SS:

MICHAEL R. LONG, being duly sworn does hereby depose and says:

- 1. He is currently the Chairman of the Conservative Party of the State of New York.**
- 2. Attached hereto and made a part hereof are the rules of the New York State Conservative party which provide for governance of the party in the State of New York, and within the counties, towns and cities thereof (exhibit A).**
- 3. He respectfully requests an advisory opinion of the Federal Election Commission granting recognition as a state party committee to the New York State Conservative Party.**
- 4. It is respectfully submitted that the New York State Committee of the Conservative Party is a "State Committee" pursuant to 2 U.S.C. 431(15) and 11 C.F.R. 100.14.**


- 5. Further, it is respectfully submitted that the Conservative Party of the State of New York is a “Political Party” as it is defined in 2 U.S.C. 431(16) and 11 C.F.R. 100.15.**
- 6. While the Conservative Party in New York State is not an affiliate of a qualified national committee under 2 U.S.C. 431(14); the Federal Election Commission has extended “state committee” status to organizations that were not affiliated with recognized national committees.**
- 7. Further, the Federal Election Commission has made it clear in past advisory opinions that a state political party can achieve status as a “state committee” without any affiliation with a national party organization (Advisory Opinions, 1998-23; 1997-29; 1996-51).**
- 8. The Conservative Party of the State of New York has been in existence since 1962. It has achieved permanent ballot status in each ensuing election for governor, and is recognized by the State of New York as a Political Party, pursuant to the provisions of the New York State Election Law.**
- 9. The Conservative Party has nominated numerous candidates for the federal offices of United States Senator, Member of the House**

of Representatives, as well as President and Vice-President of the United States, in addition to candidates for state and local offices.

10. Submitted herewith is the affidavit of Congressman Vito Fossella, in support of the instant application for state committee status.

Congressman Fossella has been a candidate for federal office expending in excess of five thousand dollars (\$5,000) in each of his last two campaigns.

WHEREFORE, it is respectfully requested that the Federal Election Commission issue an Advisory Opinion conferring "State Committee" status on the Conservative Party of New York State.


Michael R. Long, Chairman

SWORN TO BEFORE ME
ON THIS THE 22 DAY
OF JUNE 2000.


NOTARY PUBLIC

GERARD KASSAR
NOTARY PUBLIC, State of New York
No. 01KA4789390
Qualified in Kings County
Commission Expires August 31, ~~1995~~
2001

EXHIBIT A

EXHIBIT A

RULES AND REGULATIONS OF THE CONSERVATIVE PARTY OF NEW YORK STATE

(Adopted by the Organizing Meeting of the Conservative Party State Committee held in Syracuse, New York on Saturday, September 26, 1998)

The Conservative Party of the State of New York having qualified pursuant to law as a political party at the general election held November 6, 1962, and a state committee thereof having been duly elected pursuant to the Election Law in the Primary Election held September 15, 1998, the aforesaid state committee does hereby adopt the following rules and regulations for the government of the Conservative Party of the State of New York which rules and regulations, as and if amended, shall remain in full force and effect until new rules are adopted by this committee, or any successor state committee of the Conservative Party duly elected at a primary election.

ARTICLE I Party Structure

Section 1. The Conservative Party is a political party organized for political action in the State of New York.

- (a) The emblem of the Conservative Party shall be a torch.
- (b) The unofficial animal symbol, duly chosen by the Conservative Party, shall be a beaver.

Section 2. There shall be a state committee, a county committee for each of the counties of the state, and a judicial district convention for each of the judicial districts of the state.

ARTICLE II The State Committee

Section 1. The state committee shall be the supreme governing body of the Conservative Party. The legislative and judicial power of the party shall be vested in the state committee.

Section 2. (a) The state committee shall be constituted by the election, biennially in each even numbered year, of twelve (12) members from each congressional district within the State. Vacancies in the state committee may be filled at any meeting of the state committee. Except as provided in part (b) of this section with respect to certain designation for statewide office, each member of the state committee shall have one vote. (b) A designation of a candidate for an office to be filled by the voters of the entire state (except presidential and vice-presidential electors), shall be made by a majority vote of the state committee, upon the vote for which each member shall be entitled to cast a number of votes which shall be in accordance with the ratio which the number of votes cast for the party candidate for governor on the line or column of the party at the last preceding general state election in the congressional district represented by such member bears to the total vote cast on such line or column at such election for such candidate in the entire state. Said weighted vote apportionment shall be approved by the state executive committee when completed figures are available according to reapportioned Congressional Districts. Said apportionment of such vote shall be in effect until the effective date of a change in boundaries of one or more congressional districts, or until the next general state election for governor, whichever is earlier, pursuant to law.

Section 3. The State Committee shall meet within fifteen (15) days after its election, or within the period set by the Election Law, for the purpose of organization. It shall adopt rules and regulations, elect officers and transact such business as may properly come before it.

Section 4. There shall be a state executive committee which shall consist of the chairman, executive vice-chairman, nine vice-chairmen, eight regional vice chairmen, secretary and treasurer of the state committee and thirty-one other members elected by the state committee.

Section 5. The officers of the state committee shall consist of a chairman, an executive vice chairman, nine vice-chairmen, eight regional vice-chairmen (representing the Western Region which embraces the counties of Allegany, Cattaraugus, Chautauqua, Wyoming, Erie, Genesee, Orleans and Niagara; the Western Central Region which embraces the counties of Monroe, Wayne, Livingston, Ontario, Yates, Seneca, Cayuga and Steuben; the Central Region which embraces the counties of Onondaga, Cortland, Madison, Tioga, Tompkins, Schuyler and Chemung; the North West Region which embraces the counties of Oneida, Oswego, Herkimer, Jefferson, Lewis and St. Lawrence; the North East Region which embraces

the counties of Franklin, Clinton, Essex, Warren, Washington and Hamilton; the Capital District Region which embraces the counties of Fulton, Albany, Schenectady, Montgomery, Saratoga, Greene, Columbia and Rensselaer; the Southern Region which embraces the counties of Broome, Chenango, Otsego, Schoharie, Sullivan and Delaware; and the Hudson Valley Region which embraces the counties of Ulster, Dutchess, Rockland, Orange, Putnam and Westchester), a secretary, a treasurer and the members of the state executive committee, all of whom shall be elected by the state committee but need not be members thereof. The State Executive Committee may appoint any enrolled Conservative as an assistant secretary, but such assistant secretary shall not be a member of the State Executive Committee by virtue of said appointment.

Section 6. There shall be the following standing committees, the members and chairmen of which shall be appointed by the chairman of the State Committee:

- a) Law Committee
- b) Finance Committee
- c) Grievance Committee
- d) International Affairs Committee
- e) National Affairs Committee
- f) State Affairs Committee
- g) New York City Affairs Committee
- h) Political Action Committee

Section 7. The state executive committee shall have the power to create such other committees as it may determine and may delegate the selection of the officers and members thereof to the state chairman.

Section 8. The officers of the state committee chosen under these rules and regulations shall hold office and serve for two years from the time of their election, or until their successors are chosen. In the event of any vacancy among the officers of the state committee, the state executive committee shall be authorized to fill said vacancy pending the next meeting of the state committee.

Section 9. The officers and members of the state committee, the state executive committee and all standing committees shall be enrolled members of the Conservative Party.

Section 10. The state chairman may designate, with the advice and consent of the state executive committee, state chairman emeritus, executive vice chairman emeritus, vice chairman emeritus, regional vice chairmen emeritus, secretary emeritus and treasurer emeritus. Individuals accorded emeritus status shall have served in the position indicated for at least one year. Emeritus officers shall be entitled to attend and to speak at any meeting of the state committee or the state executive committee but shall have no vote unless otherwise entitled to such vote. The term of emeritus officers shall be coterminous with the term of the state committee during which emeritus status was granted.

ARTICLE III The Meetings of the State Committee

Section 1. The meeting of the state committee shall be held at such times and places as the state chairman, state executive committee or state committee may decide.

Section 2. At least five (5) days written notice of meeting shall be given to the members of the state committee.

Section 3. One-fifth of the duly elected members of the state committee, present in person or by written proxy, shall constitute a quorum. No person shall be eligible to serve as proxy unless he or she is a member of the state committee. In case a quorum shall not be present at any meeting, the meeting may be adjourned to a future date by those present. Appropriate notice of such adjourned date shall be given to all the members of the state committee.

Section 4. The chairman of the state committee, or in the event of his absence, death or disability, the executive vice chairman, or in the event of his absence, death or disability, a vice-chairman of the state committee designated by the chairman or failing such designation by the chairman, by the executive vice chairman, shall preside at all meetings of the state committee. If neither the chairman nor the executive vice chairman nor a vice chairman designated by the chairman to act as chairman of the meeting or failing such designation by the chairman, by the executive vice chairman shall be present, the secretary shall open the meeting and a presiding officer shall be elected by the committee.

Section 5. Upon the meeting of the state committee for the purpose of organization, the chairman of the outgoing state committee, or in his absence, the appropriate officer pursuant to Section 4 of this article, shall preside until the chairman of the new state committee is elected.

Section 6. Meetings of the state committee shall be called by the chairman or by the secretary of the state committee, or by both.

Section 7. At all meetings of the state committee, the order of business shall be substantially as follows:

- a) Calling of the roll
- b) Filling of vacancies
- c) Adoption of rules and regulations (if appropriate)
- d) Election of officers (if appropriate)
- e) Unfinished business
- f) Report of officers
- g) Reports of committees
- h) New business

ARTICLE IV **State Executive Committee**

Section 1. (a) The state executive committee shall have the power to act for the full state committee when such state committee is not in session, or stands in recess, but subject to its rules and approval. It shall carry out the resolutions of the state committee and shall, between meetings of the state committee, conduct the affairs of the Conservative Party.

(b) The state executive committee shall, in counties of the state wherein no county committee of the Conservative Party elected pursuant to the Election Law is in existence, exercise and discharge, within such counties, all of the powers, functions and duties of a county committee. In any such county, the state executive committee may authorize the formation of an interim county committee or may appoint appropriate county officers, to coordinate the activities of the Conservative Party within the county, pursuant to Article VII of these rules and regulations.

Section 2. The officers of the state executive committee shall be a chairman, an executive vice chairman, nine vice-chairmen, a secretary, and a treasurer, who shall be the chairman, executive vice chairman, nine vice-chairmen, secretary and treasurer of the state committee, respectively.

Section 3. The state executive committee shall meet at such times and places as the committee may decide, or upon the call of its chairman or secretary, or upon the request of five members of the state executive committee. Such request shall be in writing and shall be filed with the secretary of such committee.

Section 4. A quorum of the state executive committee shall consist of one-third of the members thereof, present in person or by written proxy. No person shall be eligible to serve as proxy unless he is a member of the state executive committee.

Section 5. The state executive committee shall have the power to make rules and regulations, adopt procedures and make decisions for its own government and activities not inconsistent with these rules and regulations.

Section 6. The state executive committee shall have the power to organize, approve, recognize and charter organizations as affiliated and supporting organizations of the Conservative Party. Such affiliation shall be revocable upon hearing of the state executive committee or sub-committee thereof appointed for that purpose, and shall be subject to rules and regulations, procedures or decisions made by the state executive committee, which may include a requirement for payment of dues or other fees to the state committee by such organization or the members thereof, and a requirement for the submission of an annual report of its status and activities. The foregoing power of the state executive committee to organize, approve, recognize and charter local clubs of the Conservative Party and to revoke any such affiliation of a local club shall be conditioned, in the case of a local club situated in a county having a county committee organized under the Election Law, upon prior approval of such action by such county committee or such other person or body as may be specified by the rules and regulations of such county committee. In the event that any such organization shall fail to submit such an annual report if the same shall be required, after written notice and a reasonable opportunity to do so, which opportunity shall not expire sooner than

three (3) months after said written notice is given, then its charter shall be deemed to have lapsed and shall automatically become void upon such failure without further action of the state executive committee.

Except as otherwise provided by law, no organization shall have the right to use the words "Conservative Party" in its name or as part of its name unless it first obtained written consent and approval of and is chartered by the state executive committee and submits to its jurisdiction and supervision, and to its rules and regulations, procedures and decisions.

ARTICLE V Rules of Procedure

Section 1. In all cases not provided by law, or by these rules, the authority for parliamentary procedure for any meeting of the state committee or state executive committee, or for any state or judicial district convention, shall be "Roberts' Rules of Order", latest edition, or such other parliamentary authority selected by the Chairman insofar as such rules of order or authority may be appropriately applied in a manner consistent with these Rules and Regulations.

ARTICLE VI Duties of Officers and Committees

Section 1. The chairman of the state committee shall preside at all meetings of the state committee and shall perform the duties prescribed by these rules and regulations and those usually devolving upon a chairman and incident to his office as provided by law.

Section 2. The executive vice chairman and state vice chairmen shall assist the chairman in the performance of the forgoing duties. In the event of the absence, death or disability of the chairman, his duties shall be performed by the executive vice chairman. In the event of the absence, death or disability of the executive vice chairman, said duties shall be performed by the vice-chairman so designated for that purpose in writing by the chairman or failing such designation by the chairman, by the executive vice chairman.

Section 3. The regional vice chairmen shall have the duty and responsibility to foster the growth and organization of the Conservative Party within their respective regions and shall to all intents and purposes exercise the functions of a county chairman within those counties in their respective regions in which no Party organization legal or interim, exists, and no county officers have been appointed pursuant to Article VII, Section 6 of these rules. The regional vice chairmen shall coordinate activities within their respective regions with respect to questions of Party policy and nominations which cross county lines, shall act as liaison with the State Headquarters of the Conservative Party for regional matters, and shall be available in an advisory and consultative capacity to those county committees within their regions which are constituted pursuant to Election Law and the Article VII, Section 2 of these rules.

Section 4. The secretary of the state committee shall perform the duties prescribed by these rules and regulations and those usually devolving upon a secretary and incident to his office and as provided by law. In the absence of the secretary or in the event of his disability, his duties shall be performed by the assistant secretary.

Section 5. The treasurer of the state committee shall perform the duties prescribed by these rules and regulations and those usually devolving upon a treasurer and incident to his office and as provided by law. The state executive committee may appoint officers to assist the treasurer in the management of the financial affairs of the Conservative Party.

Section 6. The committees for which provision is made herein shall perform the duties prescribed by these rules and regulations and shall discharge such functions as may be assigned to them by the state executive committee or the chairman of the state committee, or imposed by law.

ARTICLE VII County Committee

Section 1. There shall be a county committee of the Conservative Party in each of the several counties of the state. Each County Committee shall be subject and subordinate to the State Committee.

Section 2. Each county committee shall be constituted by the election, biennially, of two members from each election district within the county (who shall be residents of the assembly district containing the

election district from which they are elected), except as hereinafter provided in this section. If 150 or more but not more than 299 Conservative Party votes were cast for governor in any election district in the last preceding gubernatorial election, then three county committee members shall be elected from that election district. If 300 or more Conservative Party votes were cast for governor in an election district in the last preceding gubernatorial elections, then four county committee members shall be elected from that election district. If the boundaries of any election district have been changed or a new election district has been created since the last preceding gubernatorial election, then three county committee members shall be elected for any such election district, if there has been an assembly election in that election district since the last preceding gubernatorial election and 150 or more but not more than 299 Conservative Party votes were cast for member of assembly therein, or if no such assembly election has been held and the Conservative Party enrollment in that election district is 150 or more but not more than 299. If the boundaries of any election district have been changed or a new election district has been created since the last preceding gubernatorial election, then four county committee members shall be elected from any such election district if there has been an assembly election in that election district since the last preceding gubernatorial election and more than 300 Conservative Party votes were cast for member of assembly therein, or if no such assembly election has been held and the Conservative Party enrollment in that election district is more than 300. Any duly constituted county committee may adopt rules inconsistent with the provisions of this section, which rules shall thereupon supersede the provisions of this section, with regard to such duly constituted county committee.

Section 3. When a county committee is organized under the Election Law in any county for the first time the state chairman or someone designated by him or the county chairman previously appointed by the state executive committee, or the chairman of the interim county committee in any county where an interim county committee has been formed pursuant to Section 5 of Article VII of these rules and regulations, shall transmit to each member of the county committee five days written notice of the organizing meeting of that county committee. The person calling the meeting shall preside over the organizing meeting until a chairman of the county committee is elected. A quorum at such organizing meeting shall be one-fifth of the membership of the county committee. Any county committee member may be represented by written proxy, designating another committee member his proxy at that organizing meeting; provided, however, that if rules and regulations are adopted at said organizing meeting prohibiting votes by proxy at meeting of said county committee, no proxy votes shall be valid with regard to matters voted upon at said organizing meeting after the adoption of rules and regulations.

Section 4. Each county committee shall have the power to make rules and regulations and to adopt procedures and make decisions, for the government and activities of the party within its county, not inconsistent or in conflict with these rules and regulations or with the procedures of decisions of the state committee or the state executive committee.

Section 5. (a) In any county where no county committee elected pursuant to the Election Law is in existence, and the state executive committee shall determine that an interim county committee is required to coordinate the activities of the Conservative Party within that County, there shall be an interim county committee, which shall also be known as the county committee, which shall remain in existence only until the election of a county committee of the Conservative Party within that county at a primary election in accordance with law. Such interim county committee shall exercise all the powers, and perform all the duties and functions of a county committee, except as otherwise proved by these rules and regulations or by law.

(b) The by-laws of an interim county committee shall provide that in the event of a contested election for county officers, the chairman and vice-chairman shall be nominated and elected separately, and voting will be by secret ballot.

(c) The by-laws adopted at the organizing meeting of an interim county committee shall be forwarded forthwith in duplicate to the state executive committee for approval. Until such approval is forthcoming, the interim county committee within the county in question shall continue for the purpose of adopting any amendments to the aforesaid by-laws required by the state executive committee.

(d) Upon the approval of the by-laws of an interim county committee by the state executive committee, the interim county committee shall be constituted in accordance with those by-laws, and shall proceed forthwith to the election of officers, provided, however, that no amendment to those by-laws may be made or shall be effective unless approved by the state executive committee.

(e) Any acting chairman, acting county officers or interim county committee established pursuant to the rules and regulations of the Conservative Party prior to the organizing meeting of the state committee of the Conservative Party held September 26, 1998 which have not been superseded by the election of a legal county committee at the preceding Primary Election are hereby recognized and constituted as if they had been designated at the aforesaid organizing meeting.

Section 6. Whenever no county committee of the Conservative Party has been elected pursuant to the Election Law in any county of the state at the time provided to file with the Board of Elections for that county the statement required by Section 2-120 of the Election Law, or any other statement required by the Election Law, the secretary or assistant secretary of the Conservative Party shall file that statement for that county, or shall direct the secretary of that county appointed by the state executive committee, to file that statement.

ARTICLE VIII Judicial District Conventions

Section 1. The judicial district convention for the nomination of party candidates for the office of Justice of the Supreme Court in the 1st, 2nd, 9th, 10th and 11th Judicial Districts shall be constituted by the election of one delegate and one alternate delegate from each assembly district in the judicial district for each one thousand (1000) votes or major fraction thereof cast in such assembly district or portion, for the party candidate for governor under the party emblem in the last preceding gubernatorial election. The judicial district convention for the nomination of party candidates for the office of Justice of the Supreme Court in the 12th Judicial District shall be constituted by the election of one delegate and one alternate delegate from each assembly district in the judicial district for each five hundred (500) votes or major fraction thereof cast in such assembly district or portion, for the party candidate for governor under the party emblem in the last preceding gubernatorial election. The judicial district convention for the nomination of party candidates for the office of Justice of the Supreme Court in the 3rd, 4th, 5th, 6th, 7th and 8th Judicial Districts shall be constituted by the election of one delegate and one alternate delegate for each two thousand (2000) votes or major fraction thereof cast in such assembly district or portion, for the party candidate for governor under the party emblem in the last preceding gubernatorial election.

In no event, however, shall any assembly district in any judicial district be entitled to less than one delegate and one alternate delegate.

If, by reason of a change in the boundaries of assembly districts after an election for governor, the exact vote at such election in the territory constituting the altered district is not ascertainable, such vote for purposes of this section shall be estimated.

Section 2. The state executive committee shall fix the time and the place of the meeting of the judicial district conventions.

Section 3. The call for any judicial district convention shall be issued by the state executive committee or the state chairman.

Section 4. The quorum at any judicial district convention of the Conservative Party shall be a majority of the total number of delegates or respective alternates elected to serve at that convention pursuant to Section 1 of this Article. All nominations at any convention shall be made by a majority of the delegates present and voting and, if a majority of the delegates present and voting shall vote not to nominate any candidate to fill a vacancy, then no candidate shall be nominated to fill that vacancy.

ARTICLE IX Nominations for Public Office

Section 1. Nominations for public elective office shall be made in accordance with law and in accordance with these Rules and Regulations.

Section 2. Unless otherwise required by law, the nomination of a candidate for election to fill a vacancy in an elective office required to be filled at the next general election, occurring after the fifth Tuesday preceding a primary election, shall be made by the state executive committee; provided, however, that if such elective office shall fall within a county which has elected a Conservative Party County Committee pursuant to the Election Law, and if the rules of said county committee make provision for the filling of said vacancy, the vacancy shall be filled in accordance with that provision; and provided further that if such elective office shall fall within more than one county, each of which has elected a Conservative Party County Committee pursuant to the Election Law, and if the rules of all of those county committees include the same provision for the filling of said vacancy, the vacancy shall be filled in accordance with that provision.

Section 3. Nominations for public office to be filled at a special election shall be made by the state executive committee; provided, however, that if such public office shall fall within a county which has

elected a Conservative Party County Committee pursuant to the Election Law, and if the rules of said county committee make provision for the filling of said vacancy, the vacancy shall be filled in accordance with that provision; and provided further that if such public office shall fall within more than one county, each of which has elected a Conservative Party County Committee pursuant to the Election Law, if the rules of all of those County Committees include the same provisions for the filling of said vacancy, the vacancy shall be filled in accordance with that provision.

Section 4. Vacancies in nomination made at a judicial district convention, or by the state committee or by the state executive committee, shall be filled by a committee appointed by such convention or state committee or state executive committee to nominate candidates to fill vacancies in nominations made by such convention or state committee or state executive committee, provided, however, that in the event that such committee is not appointed or fails to act, the state executive committee may fill such vacancies.

Section 5. In all cases the Election Law allows a vacancy in a nomination to be filled by such committee as the rules of the party may provide, or in any other case of a nomination or designation, (unless prohibited by law) said vacancy shall be filled by the state executive committee; provided however, that if such vacancy shall occur within a county which has elected a Conservative Party County Committee pursuant to the Election Law, if the rules of said County Committee make provision for the filling of said vacancy, the vacancy shall be filled in accordance with that provision; and provided further, that if such vacancy occurs in a nomination for an elective office which falls within more than one county, each of which has elected a Conservative Party County Committee pursuant to the Election Law, and if the rules of all of those county committees include the same provision for the filling of said vacancy, the vacancy shall be filled in accordance with that provision. In the event of any vacancy in a nomination or designation (unless prohibited by law) not provided for above, said vacancy shall be filled by the state executive committee.

Section 6. (a) Except to the extent otherwise provided herein and by law with respect to certain offices to be filled by all the voters of the City of New York, the state executive committee shall authorize the designation, nomination or substitution of a person as a candidate for any office who is not enrolled as a member of the Conservative Party; provided, however, that if such person shall be a candidate for an office which falls within a county which has elected a Conservative Party County Committee pursuant to the Election Law and if the rules of said county committee make provision for the authorization of said candidacy, the candidacy shall be authorized in accordance with that provision; and provided further, that if such person shall be a candidate for an office which falls within more than one county, each of which has elected a Conservative Party county committee pursuant to the Election Law, and if the rules of all of the county committees include the same provision for the authorization of said candidacy, the candidacy shall be authorized in accordance with that provision. Authorization of the designation, nomination or substitution of any person as a candidate for Mayor or Comptroller of the City of New York shall be made at a joint meeting or joint meetings of the executive committees of each of the five counties of the City of New York. The state chairman shall set the time and place of the meeting of the executive committees of the five counties comprising the City of New York only in relationship to any city wide office. At each such joint meeting every vote taken shall be by each county executive committee casting total number of votes in direct proportion to said county's Conservative Party vote for the Mayor of the City of New York in the preceding election. The chairman of each county executive committee, at his discretion, shall apportion the vote equally among the members of the respective county executive committee. In the event of any omission and/or error, the state executive committee may authorize a person for any office who is not enrolled as a member of the Conservative Party.

(b) An authorization provided for shall be signified by the filing of a certificate, signed and acknowledged by the presiding officer and the secretary of the meeting at which such authorization was given, authorizing such designation, nomination or substitution with the officer or board with whom or with which such designation or substitution is required to be filed, as provided by law.

(c) It is the specific intention of these Rules and Regulations to require the authorization, pursuant to Section 6-120 of the Election Law of the designation or nomination of a person as a candidate for judicial office who is not enrolled as a member of the Conservative Party.

Section 7. (a) In counties where no county committee has been established pursuant to the Election Law, nominations for town office shall be made by petition at the primary election preceding the general election.

(b) In counties where no county committee has been established pursuant to the Election Law, nominations for village office may be made by caucus if an enrolled voter of the Conservative Party residing within the village has been designated as village election chairman. A village election chairman may be designated by an acting or interim county chairman, a regional vice chairman whose region includes the village, the State Chairman of the Conservative Party, or the state executive

committee.

ARTICLE X
Membership

Section 1. No person shall be eligible to become or remain a member of the Conservative Party, to hold a party office or receive a party nomination, who advocates or adheres to any totalitarian doctrine, philosophy or activity.

Section 2. No person shall be barred from membership in the Conservative Party nor be denied a party office, position or nomination because of race, color, creed, sex or national origin.

Section 3. No person shall be eligible to become an officer of a local Conservative Party committee who is not an enrolled Conservative.

ARTICLE XI
Amendment of Rules and Regulations

Section 1. These rules and regulations may be amended, changed or repealed at any meeting of the state committee, by a majority vote of the members of such committee present at a meeting at which there is a quorum, provided, however, that a copy of the proposed amendment shall be sent with the notice of the meeting at which such amendment shall be proposed. Such notice shall be mailed to the last known post office address of each member of the state committee and shall be post-marked not less than five days before the date of such meeting. Notwithstanding the preceding paragraph, at the biennial organization meeting of the State Committee, it shall be in order to propose an amendment to these rules and regulations without prior written notice and the State Committee may vote on the proposed amendment at that organization meeting.

Section 2. Amendments to these rules and regulations may be proposed by the state executive committee or by fifteen of the duly elected members of the state committee. Such proposed amendments shall be filed with the secretary not less than fifteen days before any regular or special meeting of the state committee. The secretary shall mail a copy of any proposed amendment to each of the members of the state committee together with the notice of the meeting, and such amendment shall come before such regular or special meeting for consideration and action.

Section 3. Whenever an amendment to these rules and regulations is properly proposed in the notice of any meeting of the state committee, the state committee may at that meeting consider and act upon any amendment dealing with the same subject matter as the proposed amendment, as well as the amendment specifically proposed.

ARTICLE XII
Separability Clause

Section 1. A determination that any provision of these rules and regulations is invalid shall not affect the validity of any other provision of these rules and regulations.

Adopted 9/26/98

**FEDERAL ELECTIONS COMMISSION
UNITED STATES OF AMERICA**

-----X

In the Matter of

**NEW YORKERS FOR
A CONSERVATIVE MAJORITY,**

AFFIDAVIT

Gerrard Kassar, Treasurer.

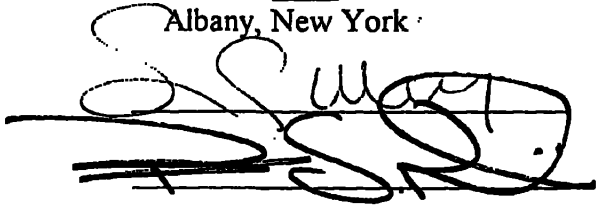
-----X

THOMAS WILKEY and PETER KOSINSKI, being duly sworn, do hereby depose and say under the penalties of perjury as follows:

1. Your deponents are the Executive Director and Deputy Executive Director of the New York State Board of Elections (respectively).
2. The New York State Board of Elections is charged by the laws of the State of New York with the administration of the elections process in the State of New York.
3. New York State Election Law provides for the recognition of multiple political parties on the basis of the results of the preceding gubernatorial election.
4. Specifically, Election Law Section 1-104(3), provides that any independent body or political party whose candidate for governor receives fifty thousand (50,000) votes shall be accorded permanent ballot status for the next four year period . This provision of law has remained substantially unchanged for the past thirty years.
5. The political entities receiving fifty thousand votes for their candidate for governor are accorded permanent ballot status, and may organize state and county party committees under Article Two of the Election Law.
6. Upon information and belief, the Conservative Party of the State of New York was founded in 1963.
7. Based upon the records of this agency, and its predecessor, the Elections Bureau of the New York State Secretary of State's Office, we have determined that the Conservative Party of the State of New York ran a candidate for the office of Governor in the year 1964 and has run a candidate for Governor every four years subsequent thereto, including the 1998 election.
8. In each gubernatorial election held from 1964 to 1998 the Conservative Party of the State of New York successfully attained more than fifty thousand votes.

9. Accordingly, the New York State Conservative Party has been recognized as a political party, and accorded permanent ballot status since 1965 under the New York State Election Law.
10. The Conservative party has during this period regularly elected and organized a state party committee pursuant to state law.
11. The New York State Conservative Party has organized and filed rules for it's state party committee with this Board and its predecessor agency continuously from 1965 to the present.
12. The New York State Conservative Party is one of eight political parties currently having state party committee status with this Board. The other committees so recognized are the Republican Party, Democratic Party, Independence Party, Liberal Party, Right to Life Party, Green party and Working Families Party.
13. Each of these Political Parties are entitled to nominate candidates for the office of President of the United States, United States Senator, and other statewide offices by way of a certificate of nomination, without pursuing the petition process established by state law for "independent bodies" which have no permanent ballot status.

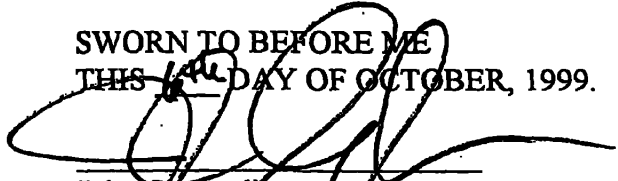
DATED: ^{December} ~~October~~ 6, 1999
Albany, New York



Thomas Wilkey

Peter Kosinski

SWORN TO BEFORE ME
THIS ^{6th} ~~14th~~ DAY OF OCTOBER, 1999.



John Crampoll
Notary Public, State of New York
Commission No. 02ci5062635
County of Columbia
Expiration: 7/2000.