

# **NON-PARTISAN R E S O L U T I O N**

## **THE PROCEDURE COMMITTEE**

Scarsdale, New York

Original Resolution Adopted December 11, 1930

Amended, December 8, 1932  
Amended, December 14, 1939  
Amended, September 26, 1946  
Amended, January 27, 1955  
Amended, April 9, 1959  
Amended, April 6, 1961  
Amended, April 16, 1964  
Amended, May 21, 1964  
Amended, May 26, 1966  
Amended, May 18, 1967  
Amended, May 15, 1969  
Amended, April 5, 1971  
Amended, May 24, 1973  
Amended, February 7, 1974  
Amended, April 3, 1975  
Amended, October 27, 1977  
Amended, January 20, 1981  
Amended, October 29, 1981  
Amended, October 25, 1984  
Amended, October 24, 1985  
Amended, February 4, 1988  
Amended, May 25, 1989  
Amended, October 19, 1989  
Amended, May 31, 1990  
Amended, January 31, 1991  
Amended, November 18, 1992  
Amended, November 16, 1994  
Amended, November 15, 1995  
Amended, November 13, 1996  
Amended, November 12, 1997  
Amended, November 10, 1998  
Amended, November 10, 1999  
Amended, November 15, 2000  
Amended, November 14, 2001  
Amended, November 13, 2002  
Amended, November 12, 2003  
Amended, November 10, 2004  
Amended, November 16, 2005  
Amended, November 15, 2006  
Amended, November 15, 2011

Amended, November 14, 2012

Amended, November 13, 2018

**WHEREAS** up to the present time there has generally been a policy of conducting the affairs of the Village and Town of Scarsdale without regard to partisan political advantage; and

**WHEREAS** the result of such policy has been that the standard of public spirit and public service in Scarsdale has been unusually high, and the Village and Town of Scarsdale have obtained the services in public office of many men and women who would not have been available merely as the candidates of a political party in contested elections for Village and Town office; and

**WHEREAS** in order to secure the continuance of the conduct of our local public affairs free from partisan controversies and from electioneering for party advantage, the Town Club by a resolution adopted on December 11, 1930, and amended on December 8, 1932, December 14, 1939, September 26, 1946, January 27, 1955, April 9, 1959, April 6, 1961, April 16, 1964, May 21, 1964, May 26, 1966, May 18, 1967, May 15, 1969, April 5, 1971, May 24, 1973, February 7, 1974, April 3, 1975, October 27, 1977, January 20, 1981, October 29, 1981, October 25, 1984, October 24, 1985, February 4, 1988, May 25, 1989, October 19, 1989, May 31, 1990, and by The Town and Village Civic Club, a successor organization herein called the "TVCC" on January 31, 1991 and, pursuant to the 1991 amendment, by The Procedure Committee and the voters of Scarsdale on November 18, 1992, November 16, 1994, November 15, 1995, November 13, 1996, November 12, 1997, November 10, 1998, November 10, 1999, November 14, 2000, November 14, 2001, November 13, 2002, November 12, 2003, November 10, 2004, November 16, 2005, November 15, 2006, November 15, 2011, November 14, 2012, and November 13, 2018, herein called the "Non-Partisan Resolution," initiated the establishment of and administered machinery, which since 1991 continues to be administered by The Procedure Committee, for the non-partisan nomination of candidates for such Village and Town officers through a non-partisan citizens' committee, herein called the "Citizens Nominating Committee," (prior to the amendments made in November 2004, this committee had the title of "The Citizens' Committee"); and

**WHEREAS** it is the sense of the Procedure Committee that certain changes in the Non-Partisan Resolution are desirable to promote and continue the said policy.

**NOW, THEREFORE, BE IT RESOLVED** that the Non-Partisan Resolution be and it hereby is amended to read as follows:

## **Article I**

### **PURPOSE**

The purpose of this Non-Partisan Resolution is to establish procedures for the nomination of a single qualified candidate for election (a) to the office of Mayor, (b) to each place on the Village and Town Board of Trustees to be filled at each Village and Town election and (c) to the office of Village Justice, all by a Citizens Nominating Committee elected by the voters.

## **Article II**

### **THE PROCEDURE COMMITTEE**

1. There shall be created a non-partisan procedure committee called The Procedure Committee, which shall have the duty and responsibility of administering the procedure for the election of voting members of the Citizens Nominating Committee and which shall from time to time recommend amendments to this Non-Partisan Resolution.

2. The Procedure Committee shall be made up of qualified voters of Scarsdale as follows:

(a) a Chairperson, who shall succeed to that position from the office of the Vice Chairperson or, in the event of a vacancy, shall be elected at the final meeting of the Citizens Nominating Committee by majority vote of all voting members of the Citizens Nominating Committee then present, with preference given to persons who, not now serving, had previously served on the Citizens Nominating Committee, or who had previously served on the Procedure Committee;

(b) a Vice Chairperson, who shall be elected at the final meeting of the Citizens Nominating Committee by majority vote of all voting members of the Citizens Nominating Committee then present and who shall succeed to the Chairperson of the Procedure Committee in the ensuing year or, in the event of a vacancy, shall be elected at the final meeting of the Citizens Nominating Committee by majority vote of all voting members of the Citizens Nominating Committee, with preference given to persons who, not now serving, had previously served on the Citizens Nominating Committee, or who had previously served on the Procedure Committee;

(c) the most recently retiring class of voting members of the Citizens Nominating Committee;

(d) eleven members nominated by the Chair and Vice Chair of the Procedure Committee then serving, and ratified by a majority vote of the most recently retired class of voting members of the Citizens Nominating Committee as the first order of business of the first, Organization Meeting of the Procedure Committee each year. The Chair and Vice Chair may seek recommendations on qualified voters willing and able to serve on The Procedure Committee from civic and volunteer organizations operating within the Village of Scarsdale, and shall document for the members of the Procedure Committee which organizations were solicited. The Chair and Vice Chair shall release for publication in the official Scarsdale newspaper, on at least two occasions, and in other local media in such additional manner as the Procedure Committee shall determine, an invitation for qualified voters within the Village to volunteer for service on The Procedure Committee for that year.

3. The selection of the members of The Procedure Committee shall be made effective as of February 1 in each year, for a term ending on January 31 of the following year. For the purposes of this Resolution, a qualified neighborhood association shall be defined as one having an active membership of a least twenty-five members residing in Scarsdale, and which shall have held a meeting of its members for the election of directors or officers during

the year preceding the most recent annual Non-Partisan Unit Election, and which shall have sent notice of the results of such election to the Chairperson of the Citizens Nominating Committee. No person shall serve on The Procedure Committee for more than five consecutive years. Any person who has served five consecutive years shall not be eligible for reappointment for at least two years. Any person who is a voting member of the Citizens Nominating Committee, the School Board Administrative Committee, the School Board Nominating Committee, the School Board, or the Village Board may not, simultaneously, be a member of The Procedure Committee. A member of The Procedure Committee shall not be eligible for election to the Citizens Nominating Committee unless that person shall have resigned from The Procedure Committee as of August 15th of that year.

4. If any organization referred to in this Resolution shall merge, consolidate or undergo any other change in its identity or existence, references in this Resolution to the predecessor organization shall be deemed to refer to the successor organization.

5. The Procedure Committee is empowered to arrange for financial support for expenses incurred by the Procedure Committee from such sources as public subscription. A public accounting of all revenues and expenditures shall be made.

### **Article III**

#### **NON-PARTISAN UNITS**

1. COMPOSITION: There shall be five Non-Partisan Units, each of which shall correspond with the elementary school districts, as the same may be redetermined from time to time. Two persons shall be elected to the Citizens Nominating Committee each year from each Non-Partisan Unit.

2. ANNUAL ELECTIONS: No later than June 1 of each year, The Procedure Committee shall establish the date of elections to be held by the qualified voters in each Non-Partisan Unit and the date of run-off elections to be held in the event that any of the Unit Elections results in a tie. The Unit Elections shall be held on the second Tuesday after the first Monday in November. However, The Procedure Committee shall have the discretion to advance or delay the date of Unit Elections by up to one week should the second Tuesday after the first Monday in November fall on a holiday or for other good cause.

### **Article IV**

#### **UNIT NOMINATING AND ELECTION PROCEDURES**

##### **Nominations**

1. The names of all members of The Procedure Committee, together with an invitation for the submission to them of nominating petitions for candidates for the Citizens Nominating Committee, shall be submitted for publication in the last issue of August of the official Scarsdale newspaper. Each petition nominating a candidate for the Citizens Nominating Committee must be signed by ten residents of the Non-Partisan Unit in which the candidate resides, and is to be accompanied by a biographical sketch of the candidate. The Procedure Committee is only a conduit for the receipt of nominating petitions, the

submission of which shall automatically place in nomination in the Non-Partisan Unit Elections the person named in the petition, provided he or she meets the eligibility requirements of this Non-Partisan Resolution. A resident may not sign more petitions than there are vacancies to be filled in his or her Non-Partisan Unit.

2. Prior to September 30, The Procedure Committee shall release for publication, in the official Scarsdale newspaper, on at least two occasions, and in other local media in such additional manner as the Procedure Committee shall determine, an invitation for submission of nominating petitions. No petitions shall be accepted after September 30.

3. During the first week of October, but no later than October 7, The Procedure Committee shall meet to add additional names to the list of candidates as necessary to ensure a minimum slate of two candidates for each vacancy to be filled.

### **Elections**

4. The published notice of the Non-Partisan Unit Elections shall provide for the elections to be held on the date established by The Procedure Committee in accordance with Article III, Section 2, of this Non-Partisan Resolution. The mailing to all voters of the notice of the Unit Elections shall set forth a complete list of the candidates together with a biographical sketch of each.

5. The Non-Partisan Unit elections shall take place during such hours and at such location or locations as The Procedure Committee may determine, but in no event shall the hours of voting be less than two and one-half consecutive hours before 9:30 a.m. and seven consecutive hours between 2:00 p.m. and 9:00 p.m.

6. Voting in each Unit shall be by means of voting machines, paper ballots, or mail-in ballots. Voting machines shall be used if they are available, in which case each Unit shall have at least one voting machine for its election procedure. All candidates in each unit shall be listed on the ballot used for each Unit. A qualified voter shall be entitled to vote only for candidates in the Unit in which he or she resides. For the purposes of this Resolution a person shall be a "qualified voter" if that person is: (i) a United States citizen, (ii) 18 years of age or older, and (iii) a resident of the Village for at least 30 days prior to the occurrence of the Unit Election, or of any event or other determination described in this Resolution which requires such person to be a qualified voter.

7. (a) Mail-in ballots and accompanying certifications shall be made available to the public in hard copy at the Scarsdale Village Hall and the Public Library and in electronic form on <http://www.scarsdaleprocedurecommittee.org>, in each case on or about the same date that the Procedure Committee notifies qualified voters of the names of the candidates for each vacancy.

(b) Eligible voters may submit a ballot by mail to the Chair of the Procedure Committee. The voter must include a certification stating that the voter (i) is eligible to vote and (ii) has not yet submitted a mail-in ballot in this election. Any ballots received without a duly completed and signed certification shall be invalid and shall not be counted.

(c) Both the ballot and certification must be received by the Procedure Committee P.O. Box by the day of the election. Mail-in ballots can be revoked only by voting in

person.

8. (a) The election in each Unit shall be by plurality vote. The two vacancies in each Unit for full three-year terms on the Citizens Nominating Committee shall be filled by the two candidates receiving the greatest number of votes. Vacancies, if any, for unexpired terms shall be filled by the candidates receiving the next greatest number of votes; for example, the candidate receiving the third greatest number of votes shall fill the longest unexpired term, and the candidate receiving the fourth greatest number of votes shall fill the second longest unexpired term.

(b) Each qualified voter may vote for as many candidates as there are vacancies to be filled, or fewer candidates. No voter may vote more than once for any candidate. If paper ballots shall be used: (i) any ballot containing more than one vote for any candidate shall not be invalid, but not more than one vote per ballot shall be counted for any candidate; and (ii) a ballot containing votes for more candidates than there are vacancies to be filled shall be invalid.

9. Should two or more candidates receive the same number of votes for any vacancy, a run-off election between or among such candidates shall be held on a date to be determined by The Procedure Committee and in accordance with Article III above and this Article IV.

10. The Chairperson of The Procedure Committee shall appoint an Election Committee (which shall include and be chaired by the Chairperson) of such size as shall be deemed appropriate to conduct the election. The members of the Election Committee need not be members of The Procedure Committee. The Election Committee shall be responsible for all voting arrangements, such as the furnishing of supervisory and administrative personnel for the elections, the installation, care and maintenance of voting machines, the providing of paper ballots, the tabulating of ballots and ruling on any disputed matters including the validity of ballots. The Election Committee shall, in the performance of its functions, be responsible to The Procedure Committee, and shall report to The Procedure Committee concerning the Unit Elections at its first meeting following the Unit Elections.

11. Immediately following the Unit Elections, The Procedure Committee shall notify all candidates of the election results. Winning and losing candidates shall be informed only of the total vote in their Election Unit. Only the names of the winning candidates and only the total number of voters in each Election Unit shall be released to the public and/or the media. The Chairperson of The Procedure Committee shall inform the Chairperson of the Citizens Nominating Committee of the names of the persons elected to membership on the Citizens Nominating Committee.

## **Article V**

### **THE CITIZENS NOMINATING COMMITTEE**


#### **1. ELIGIBILITY:**

(a) No one shall be eligible to become or serve as a member of the Citizens Nominating Committee unless that person is a qualified voter and has for the preceding two years been a resident of the Village of Scarsdale. No one may run for election to the

Citizens Nominating Committee if his or her election would or could cause more than one person from the same household to serve at the same time as a voting member of the Citizens Nominating Committee. A former Mayor or member of the Village and Town Board of Trustees may not run for election to the Citizens Nominating Committee unless more than one election cycle has passed since the person last served in such position. No person may serve as a voting member for more than three consecutive years, nor be eligible for election as a voting member unless that person has been designated as a candidate in the notice of the Unit Election; provided, that a person elected to fill a one-year vacancy in the Citizens Nominating Committee shall be able to run for and succeed himself or herself with a full three-year term, but a person who has been elected to fill a two-year vacancy shall not be able to run or succeed himself or herself. No person may serve as a member of the Citizens Nominating Committee who is at the time of the election a member of The Procedure Committee, the School Board Nominating Committee, the School Board Administrative Committee, the School Board or the Village Board.

(b) If an elected member of the Citizens Nominating Committee moves to another Election Unit during his or her term, or if the Election Unit boundaries are changed so that an elected member no longer lives in the Unit from which he or she was elected, that person shall serve until the next election and then a successor shall be elected. The Procedure Committee shall have the authority to declare that a vacancy exists. If an elected member ceases to be a qualified voter of the Village of Scarsdale, resigns, or for any other reason is incapable of serving on the Citizens Nominating Committee, the vacancy created shall be filled at the next election. If the vacancy occurs during the time period after the petitions are submitted and before the first meeting of the Citizens Nominating Committee, the vacancy shall be filled by the person in the same Election Unit who received the next highest number of votes in the most recent election and who is willing and still eligible to serve. That person shall complete the unexpired term. Further, a vacancy will be created if any voting member of the Citizens Nominating Committee is absent from two meetings in an operating year (namely, the period covered by the Organization Meeting and all subsequent Business Meetings, as hereinafter defined). That member shall be required to resign, provided that the member was given written notice of this provision, from the Chair, after the first absence. If that member misses a second meeting after receiving the written notice, that member shall be considered to have resigned, unless the Citizens Nominating Committee in its discretion decides otherwise regarding the required resignation.

2. COMPOSITION: The Citizens Nominating Committee shall consist of both voting and non-voting members, but no person shall serve in both capacities.

3. VOTING MEMBERSHIP: There shall be six voting members of the Citizens Nominating Committee from each Non-Partisan Unit, elected in the manner hereinabove provided. Each voting member elected by the voters of any Non-Partisan Unit shall be a resident of that Unit. Each year in each Non-Partisan Unit, there shall be elected to voting membership on the Citizens Nominating Committee two qualified and representative citizens, each of whom shall be elected for a term of three years, and such numbers of additional qualified and representative citizens as shall be necessary to fill any existing vacancies in its voting representation. The names of all elected candidates shall be transmitted promptly to the Chairperson of  Citizens Nominating Committee. The Chairperson shall cause the names of the full membership of the Citizens Nominating Committee to be submitted for publication in the

local press as soon as practicable. The Chairperson shall also invite the submission to the Committee members of the names and biographical data of persons who might be considered as potential nominees for Village office. Biographies of potential nominees for Village Trustee and Mayor shall be signed by the person or persons submitting the potential nominee's name. The proposer must have the biographical information verified by the potential nominee.

4. **NON-VOTING MEMBERSHIP:** There shall be four non-voting members of the Citizens Nominating Committee. The non-voting members of the Citizens Nominating Committee shall be qualified voters of Scarsdale as follows:

(a) The non-voting Chair and Vice Chair of each year's Citizens Nominating Committee shall be elected at the final meeting of the Citizens Nominating Committee by a majority vote of all voting members from among the retiring, outgoing class of voting members, whose terms shall end upon the conclusion of that year's nomination of candidates for Village office.

(b) In the case of a vacancy in the office of the non-voting Chair or Vice Chair prior to the first meeting of the Citizens Nominating Committee, the Procedure Committee then serving shall appoint an individual to serve in the vacant office, with preference given to persons who, not now serving, had previously served on the Citizens Nominating Committee, or who had previously served on the Procedure Committee. In the case of a vacancy in the office of the non-voting Chair or Vice Chair after the elected voting members of the Citizens Nominating Committee have convened and begun to perform their duties, the elected voting members of the Citizens Nominating Committee shall elect by majority vote of voting members then present an individual to serve in the vacant office, with preference given to persons who, not now serving, had previously served on the Citizens Nominating Committee, or who had previously served on the Procedure Committee.

(c) The non-voting Chair and Vice Chair of each year's Citizens Nominating Committee shall nominate two other Scarsdale qualified voters to serve as non-voting members of the Citizens Nominating Committee and shall propose them for ratification to serve in that office by majority vote of voting members then present at the Organization Meeting of the Citizens Nominating Committee. In the case of a vacancy, this same procedure shall be followed as the first item of business of the next meeting of the Citizens Nominating Committee so that two non-chair, non-voting members of the Citizens Nominating Committee may be available to discharge their duties at every meeting.

(d) The Chair, Vice Chair and other non-voting members of the Citizens Nominating Committee shall serve in their respective capacities until the nomination of candidates for Village office is finalized, the Chair and Vice Chair of the next Citizens Nominating Committee are elected, and the Chair, Vice Chair and other members of the Procedure Committee are designated.

5. **DUTIES:** The non-voting Chairperson, or in his or her absence the Vice Chairperson, of the Citizens Nominating Committee, shall perform the administrative tasks necessary to facilitate the discharge of the voting members' responsibilities. The tasks are described within this Resolution. The two non-chair, non-voting members may provide administrative support and perform such duties in support of the Chair and Vice Chair as would facilitate the smooth and orderly operation of the meetings. However, the Chairperson and other non-voting members of



the Committee shall not offer any information or opinion regarding any potential nominees for Village office. All members of the Committee are permitted to offer opinions regarding whether the proper procedures under which the Committee operates, as described in the Non- Partisan Resolution, are being followed, but shall endeavor to do so without interfering with or disrupting the discharge of the voting members' responsibilities. Citizens Nominating Committee members shall keep in strict confidence all Committee deliberations concerning potential nominees and candidates for Mayor, Trustees and Village Justice. The requirement to maintain confidentiality does not extend to the conduct of due diligence investigations of potential nominees' backgrounds, in which event Citizens Nominating Committee members may indicate to third parties providing due diligence or background information that a person is or may be under consideration for nomination as a candidate for these offices. The information obtained through such investigations, however, remains subject to the confidentiality requirement.

6. **BIOGRAPHIES:** Promptly after the election of the Citizens Nominating Committee members, the Chairperson will mail to all members the following: the Non-Partisan Resolution, several Citizens Nominating Committee Information Forms ("Information Forms") for potential nominees, the calendar which will include the dates of all scheduled meetings, a listing of all proposed nominees from the prior five years, the rules of procedure from the prior year, and such other information as the Chairperson deems appropriate. After the Information Forms are received, voting members of the Committee are expected to submit completed Information Forms for potential nominees to the Chairperson who will promptly circulate the forms to the entire Committee. The Chairperson shall also invite the public to submit Information Forms for potential nominees to the Committee. Any biographical information submitted to the Committee in writing shall be signed both by the potential nominee and the person or persons submitting the name. The nominator of the potential nominee, who must be a voting member of the Citizens Nominating Committee, also shall verify the biographical information with that nominee. Unless extended by the Citizens Nominating Committee, the deadline for submission of all biographies shall be five days before the second business meeting to allow distribution to members before that meeting

7. **MEETINGS:** No later than June 30 of each year, the Chairperson of the Citizens Nominating Committee shall request The Procedure Committee to schedule the dates of the meetings to be held by the Citizens Nominating Committee, which shall include an initial organization meeting to be held no later than December 15, and at least three business meetings. A minimum of 72 hours shall elapse between business meetings of the Citizens Nominating Committee.

(a) **ORGANIZATION MEETING:** At the organization meeting the voting members of the Citizens Nominating Committee shall elect by majority vote, from among the full membership of the Citizens Nominating Committee , such additional officers as the Citizens Nominating Committee may determine. The Citizens Nominating Committee shall also adopt rules of procedures to govern its deliberations, as well as rules dealing with routine procedural matters, both of which shall be consistent with the purpose and provisions of this Resolution, without limiting the powers of The Procedure Committee otherwise set forth in this Resolution. The Procedure Committee may make any recommendations to the Citizens Nominating Committee regarding its rules of procedure as it deems appropriate. Any questions of compliance with this provision shall be ruled on by the Chairperson, whose decision can only be overruled by a two-thirds vote of the voting members present. The Chairperson of the Citizens

Nominating Committee shall invite only such Village officials, consisting of the Mayor and the Trustees, who individually have stated in a written notice to the Committee or to the Chairperson that he or she not be considered for nomination as a candidate for any Village office in the upcoming Village election, together as a group to attend, or, if they are unable to attend, to submit a written statement to such first meeting. The purpose is to advise the Citizens Nominating Committee of any specific experience or ability which would, in the judgment of the Mayor and the members of the Village and Town Board, be particularly desirable in any candidate or candidates to be nominated for the forthcoming election, without specifically mentioning any possible candidate by name, and to discuss with the Citizens Nominating Committee any matters other than specific possible candidates, which they or the Citizens Nominating Committee may feel would be helpful to the Committee in its selection of candidates.

(b) The Chairperson of the Citizens Nominating Committee (i) shall submit for publication in the two issues of the official Scarsdale newspaper to be published immediately preceding the Organization Meeting, and shall make public by internet posting on one or more reasonably available websites, including the website of The Procedure Committee, a notice inviting Scarsdale residents and other interested persons to observe the portions of the Organization Meeting relating to the following: such presentations or statements by and discussions with the Mayor and Trustees; discussion with respect to and voting upon its rules of procedure (including best practices with respect to due diligence); review of the responsibilities of the Citizens Nominating Committee; and such other portions as the Chairperson shall deem appropriate; (ii) shall make reasonable efforts to arrange for such portions of the Organization Meeting to be televised on public-access cable, provided that, at the Organization Meeting, there shall occur only in closed or executive session the identification of, and comments, discussion, other furnishing of information and vote with respect to, each person who has been previously considered or who might be solicited or has expressed interest in being considered, for a Village office or position; and (iii) should there be a need to close the organizational meeting to the public to preserve order or for other reason, either the Chairperson may make that determination (a decision that can be overruled by two-thirds of the voting members present) or the Citizens Nominating Committee may make that determination by vote of the majority of the voting members present. While such portions of the Organization Meeting are open for observation by the public, they are not open to public participation.

(c) **FIRST BUSINESS MEETING:** At the first business meeting the names of possible nominees for Village and Town offices whose biographies have been previously submitted may be discussed and nominated, but no vote shall be taken. Each nominee shall be given an opportunity to make an individual oral presentation to the Citizens Nominating Committee. Each such presenter shall be afforded the same length of time to respond only to the same written questions, prepared by the Citizens Nominating Committee and distributed in advance to the individual, which relate only to the nominee's experience and qualifications and not to any specific issues. However, if a nominee requests not to make a presentation, the Citizens Nominating Committee shall respect such request and shall continue to consider such nominee in its deliberations.

(d) **SECOND BUSINESS MEETING:** At the second business meeting additional names may be nominated provided that their biographies were distributed at least five days before the meeting, but no vote shall be taken on these nominees. Voting may start,

provided all nominees for a particular office have been interviewed or declined an interview.

(e) **THIRD AND SUBSEQUENT BUSINESS MEETINGS:** The third and subsequent business meetings shall be devoted to discussion and further voting so that a qualified candidate for each vacancy for Village office is selected not later than forty days prior to the date of the Village elections.

8. **VOTING PROCEDURE:** No nominee shall be voted upon at the same meeting at which he or she was nominated. No vote for any nominee for a particular office shall be taken at a meeting at which a Committee member has presented new information as to a nominee for such office based upon the Committee member's personal experience with the nominee. If the Chairperson shall determine that a Committee member has raised allegations that require verification which cannot be accomplished during the normal course of the meeting, no further vote for any nominee shall be taken at that meeting unless such determination of the Chairperson is overruled by two-thirds of the voting members present. Only nominees receiving the vote of the majority of all the voting members of the Citizens Nominating Committee shall be selected as the candidate of the Committee. The election for each open office or position will be conducted separately, without reference to the name of the current occupant of an office or position, by separate successive vote for each open office or position until a person is selected for such office or position. If all candidates have not been selected at the end of a given business meeting, then all nominees are eligible for consideration at the next business meeting. Voting must be by secret ballot. Absentee ballots shall not be permitted.

9. **ROBERT'S RULES OF ORDER:** Except as otherwise provided in this Resolution, the meetings of the Citizens Nominating Committee shall be conducted in accordance with the latest edition of Robert's Rules of Order, Revised.

## **Article VI**

### **JUDICIAL QUALIFICATIONS ADVISORY COMMITTEE**

1. **COMPOSITION:** There shall be created a joint non-partisan Judicial Qualifications Advisory Committee made up of the Chairperson of the Scarsdale Democratic Town Committee, or a qualified voter of the Village of Scarsdale appointed by that Chairperson, the Chairperson of the Scarsdale Republican Town Committee, or a qualified voter of the Village of Scarsdale appointed by that Chairperson, and five other qualified voters of the Village of Scarsdale. These five other individuals, at least two of whom shall be lawyers admitted to the Bar of the State of New York, in good standing, and at least two of which shall be non-lawyers, shall be appointed by the Mayor of the Village of Scarsdale after consultation with interested community groups, and on the advice and consent of the Village Trustees. No person shall serve on the Judicial Qualifications Advisory Committee if he or she is a voting or non-voting member of the Citizens Nominating Committee. In the event that the representative of the Democratic or Republican Town Committee is disqualified by reason of this rule from serving on the Judicial Qualifications Advisory Committee, the appropriate Town Committee Chairperson shall designate a qualified voter of the Village of Scarsdale to serve in his or her place.

2. **TERM OF OFFICE:** Members of the Committee appointed by the Mayor shall

serve a term of five years. In order to provide for staggered terms, upon the expiration of the terms of members of the Committee holding office on May 25, 1989, the five mayoral appointees shall be appointed for terms of such length that one mayoral appointment to the Committee shall be made in each year. All terms shall end on April 30. Vacancies shall be filled by appointment to complete the unexpired term. Members of the Committee may not serve more than two consecutive terms, including terms shorter than five years for the purpose of staggering memberships or filling a vacancy.

3. **MEETINGS:** The Judicial Qualifications Advisory Committee shall meet at least once a year, between September 1 and December 31, and at such other times as may be necessary or appropriate, to carry out its business.

4. **DUTIES:** It shall be the responsibility of the Judicial Qualifications Advisory Committee to recommend to the Citizens Nominating Committee persons qualified for the office of Village Justice, and to assist (a) the Mayor in the selection of appointees to vacancies in the Office of Village Justice or Acting Village Justice, and (b) the Mayor and the other members of the Village Board of Trustees in the selection of appointees to the office of Acting Village Justice. To this end, it shall accept from any source within the Village of Scarsdale suggestions of persons to be considered for judicial office in the Village, and shall investigate the qualifications and willingness to serve of all such persons in relation to the judicial office or offices to be filled during the next succeeding calendar year. It shall make its recommendation to the Citizens Nominating Committee, or to the Mayor, or to the Village and Town Board of Trustees, as the case may be, in sufficient time to enable each of these bodies or officers to consider its recommendations before making their selection for the judicial office or offices to be filled. In those years when the Citizens Nominating Committee is scheduled to nominate a Village Justice, The Chair (or the Chair's designee) of the Judicial Qualifications Advisory Committee shall present the Committee's report in person to the Citizens Nominating Committee and be available to answer questions as to the evaluation process used. The Citizens' Committee shall accept as potential nominees for Village Justice only those persons who have submitted their information to the Judicial Qualifications Advisory Committee. The Citizens Nominating Committee shall receive copies of the potential nominees' information, and the criteria for and the results of the evaluation of all candidates reviewed by the Judicial Qualifications Advisory Committee.

## **Article VII**

### **NOMINATION OF CANDIDATES**

1. **COMPLIANCE WITH LEGAL REQUIREMENT:** The Citizens Nominating Committee shall investigate and ascertain the names of persons available for the aforesaid Village and Town offices to be filled at the next Village and Town election. The Citizens Nominating Committee shall elect one person willing to serve for each office to be filled at such election. It shall be the responsibility of the Citizens Nominating Committee to determine, prior to the selection of each nominee, the legal qualifications of such nominee and, before the nomination of any candidate is filed as hereinafter provided, to verify that the nominee is legally qualified for office.

2. **STANDARDS FOR NOMINATION.** In making such selections, the Citizens

Nominating Committee shall have regard primarily to the fitness of the persons selected for the particular office. Other considerations herein of fitness and qualification having been satisfied, it shall be the endeavor of the Citizens Nominating Committee in making such selections to provide, so far as may be practicable, for representation upon the Village and Town Board of the various geographical sections of the Village. No member, voting or non-voting, of the Citizens Nominating Committee shall be eligible as a nominee of that Committee for such office.

3. **FILING OF NOMINATIONS.** The Citizens Nominating Committee shall cause the independent nomination of each person so selected for office to be filed as provided in the election law of the State of New York. The Citizens Nominating Committee shall inform the Chairpersons of the Village's two major political parties' Town Committees of every nomination made by it hereunder.

## **Article VIII**

### **DISTRIBUTION OF RESOLUTION**

A copy of this Resolution shall be furnished by the Chairperson of the Citizens Nominating Committee to each new member of such Committee within thirty days following the election of such new member.

## **Article IX**

### **AMENDMENTS**

This resolution may be amended from the date of adoption of this Article IX, January 31, 1991, only in the following manner:

1. The Procedure Committee shall consider proposed amendments to this Resolution, which it may originate or which it may receive from any source. A proposed amendment shall receive preliminary approval if adopted, at a properly called and held meeting, by the affirmative vote of a majority of the entire membership of The Procedure Committee.

2. The public shall be invited to submit comments to The Procedure Committee concerning any proposed amendment which has received preliminary approval. Such proposed amendments shall be submitted for public study and comment by or before June 1 to the TVCC, the Confederation of Scarsdale Neighborhood Association Presidents, and to neighborhood associations qualified under this Resolution, and shall be publicized in the official Scarsdale newspaper and other local media by or before June 1 in such additional manner as The Procedure Committee shall determine. The period for public study and comment shall be established by The Procedure Committee, but shall be no less than 90 days.

3. Upon expiration of the period established for study and comment, The Procedure Committee shall reconsider the proposed amendment in the light of the comments received, and may either (i) determine to take no further action or (ii) by the affirmative vote of a majority of the entire membership of The Procedure Committee, modify the proposed amendment and

resubmit the modified proposal for public study and comment as provided in paragraph 2 above or (iii) by the affirmative vote of two-thirds of the entire membership of The Procedure Committee, approve the proposed amendment, with or without modification, for ratification by the eligible voters of the Village of Scarsdale at the Non-Partisan Unit Elections.

4. A proposed amendment approved for voter ratification by The Procedure Committee on or before October 7th shall be placed on the ballot for ratification by the eligible voters of the Village of Scarsdale at the next Non-Partisan Unit Elections. All such proposed amendments shall be submitted for publication in the notice of the Unit Elections mailed to all voters and in the official Scarsdale newspaper. An affirmative vote by the majority of votes cast for or against the proposed amendment at the Unit Elections shall be required to effect the amendment of this Resolution.