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This memorandum is uncorrected and subject to revision before publication in the New York Reports.

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No. 182  
In the Matter of Anthony Peluso,  
et al.,  
                    Appellants,  
                    v.  
Erie County Independence Party,  
et al.,  
                    Respondents,  
New York State Committee of the  
Independence Party, et al.,  
                    Appellants,  
et al.,  
                    Respondents.

                    John Ciampoli, for appellants.  
                    Jerome D. Schad, for respondents Erie County  
Independence Party et al.

PER CURIAM:

                    Petitioners brought this proceeding pursuant to the Election Law, the General Associations Law and CPLR article 78, seeking, among other things, a declaration that respondent Erie

County Committee of the Independence Party's rules are invalid and contrary to the rules of the State Committee of the Independence Party, as well as an injunction. The State Committee cross petitioned, joining in petitioners' request for declaratory relief.

The Appellate Division erred in granting summary judgment on the ground that the declaration sought is an advisory opinion. A declaratory judgment action is an appropriate vehicle to establish and promulgate the rights of parties on a particular subject matter, including determining the parties' rights under state and local party rules (see e.g. Matter of Conroy v State Comm. Independence Party of N.Y., 10 NY3d 896 [2008]).

Accordingly, the order of the Appellate Division should be reversed and the case remitted to that court for consideration of issues raised but not determined on the appeal.

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Order reversed and matter remitted to the Appellate Division, Fourth Department, for consideration of issues raised but not determined on the appeal to that court. Opinion Per Curiam. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided August 26, 2009