

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1989**

No. 4

Introduced by the Vice-Chairman (Council Member Vallone) and Council Member Katzman (by request of the Mayor). (Passed Under a Message of Necessity from the Mayor).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the optional partial financing of election campaigns in the city.

Be it enacted by the Council as follows:

Section 1. Paragraph c of subdivision one of section 3-703 of such code, as added by local law number eight of nineteen hundred eighty-eight, is amended to read as follows:

(c) choose to participate in the public funding provisions of this chapter, by filing a written certification in such form as may be prescribed by the campaign finance board, which sets forth his or her acceptance of and agreement to comply with the terms and conditions for the provision of such funds; such certification to be filed with the campaign finance board not later than (i) the tenth day after the first filing of a sworn verified statement pursuant to section 14-112 of the election law that such candidate has authorized a political committee to aid or take part in an election; or (ii) the [first] *third day of [January] February in the year nineteen hundred eighty-nine and the first day of January in any other year* in which the election for which he or she seeks to be qualified as an eligible candidate is held, if [such candidate has filed] such sworn verified statement *has been filed* more than ten days prior to such date and *such candidate* has not already filed such certification, provided, however, that if such certification has been filed for nomination for election to an office in a primary election, no additional certification shall be required for nomination for election, or election, to such office in any other election held in the same calendar year, and provided further that no certification shall be accepted by the board if filed later than the thirtieth day prior to the first day to file designating petitions for the office for which he or she is a candidate or, if a designating petition is not filed on behalf of such candidate, not later than seven days after the nomination of such candidate;

§2. Paragraphs (g) and (h) of subdivision two of section 3-704 of such code, as added by local law number eight of nineteen hundred eighty-eight are amended and a new paragraph (i) is added to read as follows:

- (g) gifts, brochures, buttons, signs and other printed campaign material [,or];
- (h) any direct payment of a salary or wage to any individual, *or*
- (i) *any expenditures made pursuant to paragraph a of subdivision five of section 3-706.*

§3. Section 3-706 of such code is amended by adding new subdivision two-a to read as follows:

2-a.(a) If the expenditures made by a candidate and his or her authorized committees subject to the expenditure limitation of subdivision two of this section exceed the amount of the expenditure limitation applicable under such subdivision, such candidate shall not be ineligible to receive public funding for qualified campaign expenditures or be in violation of this chapter by reason of exceeding such limitation unless the amount by which such expenditures exceed such limitation is in excess of the expenditure limitation which next applies to such candidate pursuant to subdivision one of this

section; and further provided that the amount of the expenditure limitation which next applies to such candidate, pursuant to subdivision one of this section, shall be reduced by the amount by which the expenditure limitation applicable under subdivision two of this section is exceeded.

(b) If the expenditures made by a candidate and his or her authorized committees subject to the expenditure limitation of subdivision two of this section are less than the amount of the expenditure limitation applicable under such subdivision, the amount of the expenditure limitation which next applies to such candidate, pursuant to subdivision one of this section, shall be increased by the amount by which the applicable expenditure limitation of subdivision two of this section exceeds the expenditures made by a candidate and his or her authorized committees; provided, however, that an expenditure limitation applicable to an office pursuant to subdivision one of this section shall in no case be increased by an amount which exceeds fifty percent of the amount of the expenditure limitation applicable to such office pursuant to subdivision two of this section.

(c) Nothing contained in paragraphs (a) or (b) of this subdivision shall:

(i) operate to increase or decrease the amount of public funds that may be received pursuant to section 3-705 by an authorized committee of an eligible candidate;

(ii) affect the expenditure limitation set forth in paragraph (b) of subdivision one of this section;

or

(iii) affect the expenditure limitation set forth in paragraph (a) of subdivision one of this section for purposes of the application of subdivision four of this section.

§4. Subdivision five of section 3-706 of such code, as added by local law number eight of nineteen hundred eighty-eight, is amended to read as follows:

5. (a) Expenditure for professional services, including legal fees and accounting fees, made for the purpose of complying with the provisions of this chapter or the election law, and expenses to challenge or defend the validity of petitions of designation or nomination or certificates of nomination, acceptance, authorization, declination or substitution shall not be limited by the expenditure limitations of this section.

(b) Expenditures in connection with the solicitation of funds shall not be limited by the expenditure limitations of this section, except that if such expenditures by a candidate and his or her authorized committees, made within the period during which an expenditure limitation is applicable pursuant to subdivision one or two of this section, exceed twenty percent of the applicable expenditure limitation or twenty thousand dollars, whichever is greater, such expenditures in excess of such amount shall be subject to the limitation applicable at the time that such amount is exceeded.

§5. Any candidate who filed a written certification pursuant to paragraph (c) of subdivision one of section 3-703 of the administrative code of the city of New York on or prior to January fourth, nineteen hundred eighty-nine may withdraw such certification by filing written notice with the New York city campaign finance board on or prior to February third, nineteen hundred eighty-nine.

§6. This local law shall take effect immediately and shall apply to all candidates filing a written certification pursuant to paragraph c of subdivision one of section 3-703 of the administrative code of the city of New York on, prior to, or after such effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, S.S.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on January 4, 1989, and approved by the Mayor on January 18, 1989.

CARLOS CUEVAS, City Clerk, Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed local law (Local Law 4 of 1989, Council Int. No. 1176) contains the correct text and:

Received the following vote at the meeting of the New York City Council on January 4, 1989,
32 for 1 against

Was approved by the Mayor on January 18, 1989.

Was returned to the City Clerk on January 18, 1989.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel