

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2016**

---

**No. 168**

---

Introduced by Council Members Kallos, Lancman, Lander, Richards and Menchaca.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to early public funds payments in local elections**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (a) of subdivision 1 of section 3-703 of the administrative code of the city of New York, as amended by local law number 69 for the year 1990, is amended to read as follows:

(a) meet all the requirements of law to have his or her name on the ballot, *or, for the disbursement of optional public financing occurring prior to two weeks after the last day to file designating petitions for a primary election, certify that he or she intends to meet all the requirements of law to have his or her name on the ballot for the primary or general election;*

§ 2. Paragraph (b) of subdivision 2 of section 3-705 of the administrative code of the city of New York, as amended by local law number 58 for the year 2004, is amended to read as follows:

(b) Except as otherwise provided in subdivision three of section 3-706, in no case shall the principal committee of a participating candidate receive public funds pursuant to paragraph (a) above in excess of an amount equal to fifty-five percent of the expenditure limitation provided in subdivision one of section 3-706 for the office for which such candidate seeks nomination for election or election. *For the disbursement of optional public financing occurring prior to two*

*weeks after the last day to file designating petitions for a primary election, the principal committee of a participating candidate shall not receive public funds in excess of \$250,000 for any candidate for nomination for election to the office of mayor, \$125,000 for any candidate for nomination for election to the office of public advocate or comptroller, \$50,000 for any candidate for nomination for election to the office of borough president, and \$10,000 for any candidate for nomination for election to the office of member of the city council.*

§ 3. Subdivision 10 of section 3-705 of the administrative code of the city of New York, as amended by local law number 67 for the year 2007, is amended to read as follows:

10. A participating candidate who loses in the primary election but remains on the ballot for the general election must certify to the board before receiving public funds that he or she will actively campaign for *election to a covered office*; such campaign activity shall include, but not be limited to, raising and spending funds *for election to a covered office*, seeking endorsements, and broadly soliciting votes.

§ 4. Subdivision 5 of section 3-709 of the administrative code of the city of New York, as amended by local law number 69 for the year 1990, is amended to read as follows:

5. No moneys shall be paid to participating candidates in a primary *or general* election any earlier than [two weeks after the last day to file designating petitions for such primary election] *four business days after the final day to file a written certification pursuant to paragraph (c) of subdivision 1 of section 3-703.*

§ 5. Paragraph (a) of subdivision 6 of section 3-709 of the administrative code of the city of New York, as amended by local law number 12 for the year 2003, is amended to read as follows:

(a) No moneys shall be paid to participating candidates in a run-off primary election held pursuant to section 6-162 of the election law [or in a general election] any earlier than the day after the day of the primary election held to nominate candidates for such election.

§ 6. Subdivision 3 of section 3-710 of the administrative code of the city of New York, as amended by local law number 69 for the year 1990, is amended to read as follows:

3. (a) If a participating candidate whose principal committee has received public funds is disqualified by a court of competent jurisdiction on the grounds that such candidate committed fraudulent acts in order to obtain a place on the ballot and such decision is not reversed, such candidate and his or her principal committee shall pay to the board an amount equal to the total of public funds received by such principal committee.

*(b) If a participating candidate whose principal committee has received public funds fails to actively campaign for election to a covered office, such candidate and his or her principal committee shall pay to the board an amount equal to the total of public funds received by such principal committee. For the purposes of this subdivision, the term “actively campaign for a covered office” shall mean filing designating or nominating petitions for inclusion on the ballot, and activities that include, but are not limited to, raising and spending funds for nomination for election or election to a covered office, seeking endorsements, and broadly soliciting votes.*

§ 7. This local law takes effect on January 1, 2018.

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 December 15, 2016 and approved by the Mayor on December 22, 2016.

ALISA FUENTES, Acting City Clerk, Acting Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 168 of 2016, Council Int. No. 986-A of 2015) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel