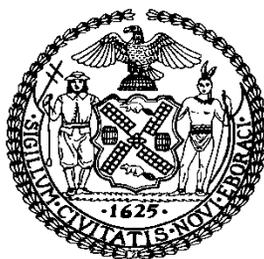


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THE COUNCIL OF THE CITY OF NEW YORK

COMMITTEE REPORT OF THE GOVERNMENTAL AFFAIRS DIVISION

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COMMITTEE ON GOVERNMENTAL OPERATIONS

Hon. Benjamin Kallos, Chair

June 19, 2017

Proposed Int. No. 1517-A: By Council Member Kallos

Title: A Local Law to amend the administrative code of the city of New York, in relation to the timing of a disclosure report for candidates for public office

Code: Amends Administrative Code §12-110

INTRODUCTION

On June 19, 2017, the Committee on Governmental Operations, chaired by Council Member Benjamin Kallos, will hold a first hearing on Proposed Int. No. 1517-A, sponsored by

Council Member Benjamin Kallos, in relation to the timing of a disclosure report for candidates for public office.

BACKGROUND

The Conflicts of Interest Board (‘COIB’), a local agency consisting of five members appointed by the Mayor with the advice and consent of the council¹ is charged with the responsibility to administer, enforce, and interpret Chapter 68 of the New York City Charter, the City’s Conflicts of Interest Law, as well as responsibility to receive financial disclosure reports from certain persons.² Among its administrative tasks is also the issuing of rules concerning the filing of financial disclosure reports by public servants and candidates.³

While the financial disclosure reports required of public servants are to be filed annually,⁴ the financial disclosure reports required of candidates for City elected office are due “on or before the last day for filing his or her designating petitions pursuant to the election law.”⁵ Designating petitions are a method for gaining ballot access and the NYS Election Law establishes the dates upon which designating petitions are due, setting them as no “earlier than the tenth Monday before, and not later than the ninth Thursday preceding the primary election.”⁶ For 2017, this date would be July 13.⁷ Until such date, the full universe of likely candidates is not easily known, since a potential candidate may choose to collect and file petitions at the last minute and a formerly declared candidate may choose not to file at all.

¹ NYC Charter §2602

² NYC Charter chapter 68 and NYC Administrative Code §12-110

³ NYC Charter §2603(d)(3)

⁴ NYC Administrative Code §12-110(b)(1)

⁵ NYC Administrative Code § 12-110(b)(2)

⁶ NYS Election Law §6-158(1)

⁷ <https://www.elections.ny.gov/NYSBOE/law/2017PoliticalCalendar.pdf>

Yet, because of the overlap in the timing of these two deadlines – for candidates to file petitions and for candidates to file the required financial disclosure - by the time COIB discovers the list of candidates some of them may already be out of compliance with the requirement to file a disclosure report. Thus, under current law COIB cannot notify candidates in a timely manner of their obligation to file such disclosure report.

Experienced candidates, or candidates retaining election lawyers or compliance professionals, may be knowledgeable about the financial disclosure deadlines and so would not need a notification from COIB. New candidates, however, may lack such experience or the funds for experienced campaign staff. Consequently, there is a potential for such candidates to be disproportionately impacted and found out of compliance before they are ever notified of the requirement.

Proposed Int. No. 1517-A

Proposed Int. No. 1517-A would amend the date on which financial disclosure reports for candidates are due to 30 days after the last day for filing a designating or independent nominating petition. It would similarly provide a 30-day filing period for write-in candidates in primary elections and candidates designated to fill a vacancy. The law would take effect immediately, provided that if such date is after July 10, 2017 then it would be deemed to be retroactive to such date.

Proposed Int. No. 1517-A

By Council Member Kallos

A Local Law to amend the administrative code of the city of New York, in relation to the timing of a disclosure report for candidates for public office

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision b of section 12-110 of the administrative code of the city of New York is amended to read as follows:

2. Candidates for public office.

(a) Each person, other than any person described in paragraph one, who has declared his or her intention to seek a designation or nomination [or] for election to an office described in paragraph one of this subdivision and who has filed papers or petitions for a designation or nomination [or] for election, or on whose behalf a [declaration or nominating paper or petition] certification of nomination or designating or independent nominating petition has been [made or] filed which has not been declined, for an office described in paragraph one [of subdivision b of this section] shall file such report [on or before] within 30 days after the last day for filing his or her designating or independent nominating petitions pursuant to the election law.

(b) Each person, other than any person described in paragraph one, who was a write-in candidate at the primary election for an office described in paragraph one of subdivision b of this section and whose name is thereafter entered in the nomination book at the board of elections, shall file such report within [twenty] 30 days after such primary election.

(c) Each person, other than any person described in paragraph one, who has been designated to fill a vacancy in a designation or nomination for an office described in paragraph one of subdivision b of this section shall file such report within [fifteen] 30 days after a certificate designating such

person to fill such vacancy is filed with the board of elections, or within five days before the election for which the certificate is filed, whichever is earlier.

(d) The conflicts of interest board shall obtain from the board of elections lists of all candidates for the elected positions set forth [below] in paragraph one of subdivision b of this section, and from such lists, shall determine and publish lists of those candidates who have not, within ten days after the required date for filing such reports, filed the reports required by this section.

§ 2. This local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of July 10, 2017.

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