



Legislation Details (With Text)

File #: Int 0732-2018 **Version:** B **Name:** Establishing a full public match campaign finance system.

Type: Introduction **Status:** Enacted
In control: Committee on Governmental Operations

On agenda: 3/22/2018

Enactment date: 7/14/2019 **Enactment #:** 2019/128

Title: A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to establishing a full public match campaign finance system

Sponsors: Ben Kallos, Fernando Cabrera, Keith Powers, Andrew Cohen, Donovan J. Richards, Costa G. Constantinides, Stephen T. Levin, Helen K. Rosenthal, Rafael L. Espinal, Jr., Daniel Dromm, Brad S. Lander, Barry S. Grodenchik, Paul A. Vallone, Ritchie J. Torres, Antonio Reynoso, Margaret S. Chin, Robert E. Cornegy, Jr., Carlos Menchaca, Carlina Rivera, Public Advocate Jumaane Williams, Diana I. Ayala, Bill Perkins, Mark Treyger, Rory I. Lancman, Deborah L. Rose, James G. Van Bramer, Mark Levine, Adrienne E. Adams, Alicka Ampry-Samuel, Chaim M. Deutsch, Karen Koslowitz, Inez D. Barron, Justin L. Brannan

Indexes: Sunset Date Applies

Attachments: 1. Summary of Int. No. 732-B, 2. Summary of Int. No. 732-A, 3. Summary of Int. No. 732, 4. Int. No. 732, 5. March 22, 2018 - Stated Meeting Agenda, 6. Hearing Transcript - Stated Meeting 03-22-2018, 7. Minutes of the Stated Meeting - March 22, 2018, 8. Proposed Int. No. 732-A - 4/2/19, 9. Committee Report 4/15/19, 10. Hearing Testimony 4/15/19, 11. Hearing Transcript 4/15/19, 12. Proposed Int. No. 732-B - 6/17/19, 13. Committee Report 6/11/19, 14. Hearing Transcript 6/11/19, 15. June 13, 2019 - Stated Meeting Agenda with Links to Files, 16. Hearing Transcript - Stated Meeting 6-13-19, 17. Minutes of the Recessed Meeting of May 29, 2019 Held on June 13, 2019, 18. Minutes of the Stated Meeting - June 13, 2019, 19. Minutes of the Recessed Meeting of June 13, 2019 Held on June 18, 2019, 20. Minutes of the Recessed Meeting of June 13, 2019 Held on June 19, 2019, 21. Int. No. 732-B (FINAL), 22. Fiscal Impact Statement, 23. Legislative Documents - Letter to the Mayor, 24. Local Law 128

Date	Ver.	Action By	Action	Result
3/22/2018	*	City Council	Introduced by Council	
3/22/2018	*	City Council	Referred to Comm by Council	
4/15/2019	*	Committee on Governmental Operations	Hearing Held by Committee	
4/15/2019	*	Committee on Governmental Operations	Amendment Proposed by Comm	
4/15/2019	*	Committee on Governmental Operations	Laid Over by Committee	
6/11/2019	*	Committee on Governmental Operations	Hearing Held by Committee	
6/11/2019	*	Committee on Governmental Operations	Amendment Proposed by Comm	
6/11/2019	*	Committee on Governmental Operations	Amended by Committee	
6/11/2019	B	Committee on Governmental Operations	Approved by Committee	Pass
6/13/2019	B	City Council	Approved by Council	Pass

6/13/2019	B	City Council	Sent to Mayor by Council
7/14/2019	B	Administration	City Charter Rule Adopted
7/18/2019	B	City Council	Returned Unsigned by Mayor

Int. No. 732-B

By Council Members Kallos, Cabrera, Powers, Cohen, Richards, Constantinides, Levin, Rosenthal, Espinal, Dromm, Lander, Grodenchik, Vallone, Torres, Reynoso, Chin, Cornegy, Menchaca, Rivera, The Public Advocate (Mr. Williams), Ayala, Perkins, Treyger, Lancman, Rose, Van Bramer, Levine, Adams, Ampry-Samuel, Deutsch, Koslowitz, Barron and Brannan

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to establishing a full public match campaign finance system

Be it enacted by the Council as follows:

Section 1. Paragraphs 16, 17, 18, 19, 20, 21 and 22 of subdivision a of section 1052 of the New York city charter, as added by a ballot question approved by the voters in the 2018 general election and amended by local law number 1 of the year 2019, are REPEALED.

§ 2. Paragraph (l) of subdivision 1 of section 1152 of the New York city charter, as added by a ballot question approved by the voters in the 2018 general election and amended by local law number 1 of the year 2019, is REPEALED.

§ 3. Subdivision 2 of section 3-702 of the administrative code of the city of New York is amended to read as follows:

2. The term "principal committee" shall mean the authorized committee designated by a candidate pursuant to paragraph (e) of subdivision 1 of section 3-703 or paragraph (a) of subdivision one of section [3-718] 3-717 of this chapter.

§ 4. Subdivisions 13 and 14 of section 3-702 of the administrative code of the city of New York are amended to read as follows:

13. The term "limited participating candidate" shall mean a candidate who meets the requirements of paragraph (a) of subdivision one of section [3-718] 3-717 of this chapter.

14. The term "non-participating candidate" shall mean any candidate for nomination for election, or

election, to the office of mayor, public advocate, comptroller, borough president or member of the city council who does not file a written certification pursuant to section 3-703 or meet the requirements of paragraph (a) of subdivision one of section [3-718] 3-717 of this chapter, or who has, or the authorized committees of such candidate have, made expenditures in furtherance of the nomination for election or election to an office covered by this chapter.

§ 5. Paragraphs (a), (b) and (c) of subdivision 1 of section 3-703 of the administrative code of the city of New York are amended to read as follows:

(a) meet all the requirements of law to have his or her name on the ballot, or, for [the] a 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;

(b) be a candidate for mayor, public advocate, comptroller, borough president or member of the city council in a primary, special, or general election and meet the threshold for eligibility set forth in subdivision two of this section;

(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. The deadline for filing such certification [for a primary and general election] shall be:

(i) [the tenth day of June in the year of the covered election] for a primary and general election, (A) the ninth Monday preceding the primary election, or such other later date as the board shall provide, or (B) the thirtieth day after a special election is held to fill a vacancy for the office sought by the candidate; whichever is later; provided, however, that any candidate who files such written certification prior to such date shall be permitted to rescind such certification in writing on or before [the ninth Monday preceding the primary election] such date or prior to the receipt of public funds, whichever occurs first;

(ii) [the thirtieth day after a special election is held to fill a vacancy for the office sought by the candidate; whichever is later. The deadline for filing such certification] for a special election to fill a vacancy, [shall be on] the fourteenth day after the proclamation of such special election.

(iii) A certification may be filed on or before the seventh day after the occurrence of an extraordinary circumstance in an election, as declared by the campaign finance board, following the receipt and review of a petition submitted by a candidate in such election. For purposes of this paragraph, an "extraordinary circumstance" shall include the death of a candidate in the election, the resignation or removal of the person holding the office sought, and the submission to the board of a written declaration by an officeholder that terminates his or her campaign for reelection;

§ 6. Paragraph (f) of subdivision 1 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

(f) not accept and his or her principal committee, or authorized committees must not accept, either directly or by transfer, any contribution or contributions from any one individual, partnership, political committee, labor organization or other entity for all covered elections held in the same calendar year in which he or she is a participating candidate [or a non-participating candidate] which in the aggregate: (i) for the office of mayor, public advocate or comptroller shall exceed [four thousand five hundred] two thousand dollars, or (ii) for borough president, shall exceed [three thousand five hundred] one thousand five hundred dollars, or (iii) for member of the city council, shall exceed [two thousand five hundred] one thousand dollars; or a non-participating candidate which in the aggregate: (i) for the office of mayor, public advocate or comptroller shall exceed three thousand five hundred dollars, or (ii) for borough president, shall exceed two thousand five hundred dollars, or (iii) for member of the city council, shall exceed one thousand five hundred dollars; provided that a participating candidate and his or her principal committee or a non-participating candidate and his or her authorized committees may accept additional contributions which do not exceed one half the amount of the applicable limitation for any run-off primary election, additional day for voting held pursuant to section 3

-108 of the New York state election law, special election to fill a vacancy, run-off special election to fill a vacancy, delayed or otherwise postponed election, or election held pursuant to court order which is a covered election and in which the candidate seeks nomination for election or election; and provided further that for the purposes of this paragraph, contributions made by different labor organizations shall not be aggregated or treated as contributions from a single contributor for purposes of the contribution limit that is set forth in this paragraph if those labor organizations make contributions from different accounts, maintain separate accounts with different signatories, do not share a majority of members of their governing boards, and do not share a majority of the officers of their governing boards; and provided further that if state law prescribes a contribution limitation of a lesser amount, this paragraph shall not be deemed to authorize acceptance of a contribution in excess of such lesser amount. The maximum contributions set forth in this paragraph shall be adjusted in accordance with subdivision seven of this section;

§ 7. Subparagraph (ii) of paragraph (m) of subdivision 1 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

(ii) A participating candidate shall fulfill the requirements of section 12-110 of the administrative code to the satisfaction of the conflicts of interest board by the [last business day of July] twenty-fifth day after the last day for filing his or her designating or independent nominating petitions pursuant to the election law in the year of the covered election, or such other later date as the campaign finance board shall provide by rule, [except] provided that in a special election to fill a vacancy such deadline shall be established by campaign finance board rule, and further provided that a participating candidate seeking public funds for a December 15, January 15, February 15, March 15, or April 15 payment date shall file a report or reports as required by subparagraph (a) of paragraph 2 of subdivision b of section 12-110 and in order for such candidate to receive public funds on any such payment date the participating candidate shall fulfill the requirements of section 12-110 to the satisfaction of the conflicts of interest board by no less than three days prior to such payment date. A participating candidate that files a report covering the first nine months of the year preceding the year of the

covered election shall not be eligible for further receipt of public funds after January 15 of the year of the covered election until a report covering the entire calendar year preceding the year of the covered election, as required by subparagraph (a) of paragraph 2 of subdivision b of section 12-110, has been made to the satisfaction of the conflicts of interest board and if such requirements are not satisfied then such participating candidate shall be liable for the repayment of any public funds received for such covered election.

§ 8. Paragraph a of subdivision 1-b of section 3-703 of the administrative code of the city of New York is amended to read as follows:

a. Each participating candidate and his or her principal committee shall provide to every individual or entity making a contribution, loan, guarantee or other security for such loan in excess of the amounts set forth in subdivision 1-a of section 3-703 a notice containing the statement "If a contributor has business dealings with the City as defined in the campaign finance act, such contributor may contribute only up to two hundred fifty dollars for city council, three hundred twenty dollars for borough president and four hundred dollars for mayor, comptroller or public advocate." The principal committee shall report each contribution to the board on the next applicable filing deadline in accordance with the board's disclosure schedule. The board shall check each contribution against the doing business database and shall notify the principal committee within twenty days of the reporting of such contribution if a contribution exceeding the doing business contribution limitation set forth in subdivision 1-a of section 3-703 is subject to such limitations of this subchapter or if a contribution is not matchable pursuant to such subdivision. Notwithstanding any provision in this subdivision, in the six weeks preceding the covered election the board shall provide such notification to the principal or authorized committee within [three] four business days of the reporting of such contribution to the board in accordance with applicable reporting deadlines. If the board fails to notify the principal committee that a contribution is in excess of the limitations set forth in subdivision 1-a of section 3-703 of this chapter in accordance with this subdivision, any such contribution shall be deemed valid for purposes of such limitation, provided, however, that no such contribution shall be matchable. Such principal committee shall have twenty days from the date of

any such notification to return the amount of any contribution in excess of the limitations set forth in subdivision 1-a of section 3-703 to the contributor. No violation shall issue and no penalty shall be imposed where such excess amount is postmarked or delivered within twenty days of such notification by the board and the board shall not designate a candidate as having accepted a contribution in excess of such limitations where such excess has been returned in accordance with the time limitations set forth herein. Failure to return such excess amount in accordance with the provisions herein shall not result in the board withholding public funds for which the participating candidate's principal committee is otherwise eligible pursuant to section 3-705 of this chapter; provided, however, that the board may deduct an amount equal to the total unreturned contributions in excess of the limitations set forth in subdivision 1-a of section 3-703 of this chapter from such payment of public funds. For purposes of this section, "individual" shall include any chief executive officer, chief financial officer, and/or chief operating officer of an entity or persons serving in an equivalent capacity, any person in a senior managerial capacity regarding an entity, or any person with an interest in an entity, which exceeds ten percent of the entity. For purposes of this subdivision, the phrase "senior managerial capacity" shall mean a high level supervisory capacity, either by virtue of title or duties, in which substantial discretion and oversight is exercised over the solicitation, letting or administration of business transactions with the city, including contracts, franchises, concessions, grants, economic development agreements, and applications for land use approvals.

§ 9. Subdivision 2 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

2. (a) The threshold for eligibility for public funding for participating candidates in a primary or general election for mayor, public advocate, comptroller, borough president or member of the city council, or special election to fill a vacancy for borough president or member of the city council, shall be in the case of:

(i) mayor, not less than two hundred fifty thousand dollars in matchable contributions comprised of sums up to [one hundred seventy-five] two hundred fifty dollars per contributor including at least one thousand

matchable contributions of ten dollars or more;

(ii) public advocate and comptroller, not less than one hundred twenty-five thousand dollars in matchable contributions comprised of sums of up to [one hundred seventy-five] two hundred fifty dollars per contributor including at least five hundred matchable contributions of ten dollars or more;

(iii) borough president, an amount equal to the number of persons living in such borough as determined by the last census multiplied by two cents in matchable contributions comprised of sums of up to one hundred seventy-five dollars per contributor including at least one hundred matchable contributions of ten dollars or more from residents of the borough, or ten thousand dollars comprised of sums of up to one hundred seventy-five dollars per contributor, whichever is greater.

(iv) member of the city council, not less than five thousand dollars in matchable contributions comprised of sums of up to one hundred seventy-five dollars per contributor including at least seventy-five matchable contributions of ten dollars or more from residents of the district in which the seat is to be filled.

(b) Any participating candidate meeting the threshold for eligibility in a primary election for one of the foregoing offices shall be deemed to have met the threshold for eligibility for such office in any other election, other than a special election to fill a vacancy, held in the same calendar year.

(c) For any special election to fill a vacancy for mayor, public advocate or comptroller, the threshold dollar amount of summed matchable contributions pursuant to subparagraphs (i) and (ii) of paragraph (a) of this subdivision shall be halved.

§ 10. Subdivision 7 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

7. Not later than the first day of March in the year two thousand [eighteen] twenty-two and every fourth year thereafter the campaign finance board shall (i) determine the percentage difference between the average over a calendar year of the consumer price index for the metropolitan New York-New Jersey region published by the United States bureau of labor statistics for the twelve months preceding the beginning of such

calendar year and the average over the calendar year two thousand [fifteen] nineteen of such consumer price index; (ii) adjust each maximum contribution applicable pursuant to paragraph (f) of subdivision one of this section by the amount of such percentage difference to the nearest fifty dollars; and (iii) publish such adjusted maximum contribution in the City Record. Such adjusted maximum contribution shall be in effect for any election held before the next such adjustment.

§ 11. Paragraph (b) of subdivision 12 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

(b) The board shall review each disclosure report timely submitted by a candidate prior to the last date upon which such candidate may file a certification pursuant to paragraph (c) of subdivision one of this section, or subdivision one of section [3-718] 3-717, and issue to the candidate a review within 30 days of the date upon which such disclosure report was due, provided a candidate may agree to an extension of time for such review by the board. Any response from the candidate to such review shall be due no earlier than when the next disclosure report is due. Such review shall inform the candidate of relevant questions the board has concerning the candidate's: (i) compliance with requirements of this chapter and of the rules issued by the board; and (ii) qualification for receiving public funds pursuant to this chapter. In the course of this review, the board shall give candidates an opportunity to respond to and correct potential violations, before the deadline for filing a certification pursuant to paragraph (c) of subdivision one of this section, or subdivision one of section [3-718] 3-717, and give candidates an opportunity to address questions the board has concerning their matchable contribution claims or other issues concerning eligibility for receiving public funds pursuant to this chapter; provided, however, this paragraph shall not apply to the last required disclosure report before the deadline for filing a certification pursuant to paragraph (c) of subdivision one of this section or subdivision one of section [3-718] 3-717. Nothing in this paragraph shall preclude the board from subsequently reviewing such disclosure reports and taking any action otherwise authorized under this chapter, provided that the board shall not invalidate a matchable contribution claim in a subsequent review unless the board learns of new information

that is relevant to the eligibility for matching of such contribution claim and that was not available to the board at the time of the initial review.

§ 12. Subdivision 13 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

13. Candidates who file a certification pursuant to subdivision one of this section shall not be eligible to file a certification pursuant to section [3-718] 3-717, and candidates who file a certification pursuant to section [3-718] 3-717 shall not be eligible to file a certification pursuant to subdivision one of this section.

§ 13. Subdivision 1 of section 3-704 of the administrative code of the city of New York is amended to read as follows:

1. Public funds provided under the provisions of this chapter may be used only for expenditures by a principal committee to further the participating candidate's nomination for election or election, either in a special election to fill a vacancy, or [during the calendar year in which the primary or general election in which the candidate is seeking nomination for election or election is held] beginning December 15 of the calendar year preceding a covered primary or general election in which the candidate is seeking nomination for election or election and continuing through the date of such covered election.

§ 14. Paragraph (h) of subdivision 2 of section 3-704 of the administrative code of the city of New York, as amended by local law 196 of the year 2018, is amended to read as follows:

(h) any expenditure to challenge [or defend] the validity of petitions of designation or nomination, or of certificates of nomination, acceptance, authorization, declination, or substitution, and expenses related to the canvassing of election results, made pursuant to subdivision four of section 3-706;

§ 15. Subdivisions 2, 3 and 4 of section 3-705 of the administrative code of the city of New York are amended to read as follows:

2. (a) If the threshold for eligibility is met, the participating candidate's principal committee shall receive payment for qualified campaign expenditures of: (i) eight [six] dollars for each one dollar of matchable

contributions, up to [one thousand fifty] two thousand dollars in public funds per contributor, obtained and reported to the campaign finance board in accordance with the provisions of this chapter, with respect to any participating candidate for nomination for election or election to the office of mayor, public advocate or comptroller; or (ii) eight dollars for each one dollar of matchable contributions, up to one thousand four hundred dollars in public funds per contributor, obtained and reported to the campaign finance board in accordance with the provisions of this chapter, with respect to any participating candidate for nomination for election or election to the office of borough president or member of the city council.

(b) [Except as otherwise provided in subdivision three of section 3-706, in] 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, less such expenditure limit divided by the addition of the number one and the dollar amount for each one dollar of matchable contributions for such office pursuant to paragraph a of this subdivision. [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.]

(c) No funds shall be provided pursuant to this subdivision with respect to any covered election specified in subdivision five of this section.

3. A participating candidate seeking or obtaining nomination for election by more than one party shall be deemed one candidate, and shall not receive additional public funds or be authorized to accept contributions in excess of the maximum contribution applicable pursuant to paragraph (f) of subdivision one of section 3-703

or make additional expenditures by reason of such candidate seeking or obtaining nomination for election by more than one party. Subdivision five of section 3-703 shall not be applicable to such a candidate who is opposed for the nomination of at least one party in a primary election. The elimination of the expenditure limitations [and qualification for additional matching funds] provided in subdivision three of section 3-706 shall not be applicable to such a candidate who is opposed for the nomination of at least one party solely by participating candidates.

4. [The] For contributions reported less than ninety days before a covered general election, less than forty-five days before a covered primary election, or less than thirty days before any other covered election, the campaign finance board shall make possible payment within four business days after receipt of reports of matchable contributions, or as soon thereafter as is practicable[, but not earlier than the earliest dates for making such payments as provided in subdivisions five and six of section 3-709]; provided, however, that the board shall withhold up to five percent of all public funds payments to participating candidates until the final pre-election payment for any given election. The board shall schedule payment dates on December 15 of the year preceding the year of election, as well as January 15, February 15, March 15, April 15 and a minimum of three payment dates within the [thirty] forty-five days prior to a covered primary election, a payment date of July 15 and a minimum of four payment dates within the ninety days prior to a covered general election, and a minimum of three payment dates within the thirty days prior to any other covered election. A written certification pursuant to paragraph (c) of subdivision 1 of section 3-703 shall be required to have been filed no less than fifteen business days prior to the December 15, January 15, February 15, March 15, April 15, or July 15 payment dates scheduled pursuant to this subdivision, for a participating candidate to receive public funds on such payment date. For purposes of such payment dates, the board shall provide each candidate with a written determination specifying the basis for any non-payment. The board shall provide candidates with a process by which they may immediately upon receipt of such determination petition the board for reconsideration of any such non-payment and such reconsideration shall occur within five business days of the

filing of such petition. In the event that the board denies such petition then it shall immediately notify the candidate of his or her right to bring a special proceeding pursuant to article 78 of the civil practice law and rules.

§ 16. Subdivision 7 of section 3-705 of the administrative code of the city of New York is amended to read as follows:

7. (a) Notwithstanding any provision of this section to the contrary, the amount of public funds payable to a participating candidate on the ballot in any covered election shall not exceed one quarter of the maximum public funds payment otherwise applicable under subdivision two of this section, and no participating candidate shall be eligible to receive a disbursement of public funds prior to two weeks after the last day to file designating petitions for a primary election, unless:

[(a) the participating candidate is opposed by a candidate and the board has determined that such other candidate and his or her authorized committees have spent or contracted or have obligated to spend, or received in loans or contributions, or both, an amount which, in the aggregate, exceeds one-fifth of the applicable expenditure limit for such office fixed by subdivision one of section 3-706 of this chapter for participating candidates; or

(b)] (1) the participating candidate has submitted a certified signed statement attesting to the need and stating the reason for additional public funds in such election, in which case the board shall publish such statement and supporting documentation at the time such additional public funds are paid, including on the board's internet website. The board shall be authorized to verify the truthfulness of any certified statement submitted pursuant to this paragraph and of any supporting documentation. Such statement must certify that (i) one or more of the following conditions apply and (ii) such condition or conditions reasonably demonstrate the need for such public funds, and the participating candidate must provide documentation demonstrating the existence of such condition or conditions:

[(1)] (A) the participating candidate is opposed by (i) a non-participating candidate or (ii) a limited

participating candidate, and provides a factual basis with supporting documentation of such candidate's ability to self finance;

[(2)] (B) the participating candidate is opposed by a candidate who has received (i) the endorsement of a citywide or statewide elected official or a federal elected official representing all or a portion of the area covered by the election; (ii) two or more endorsements from other city elected officials who represent all or a part of the area covered by the election; or (iii) endorsements of one or more membership organizations with a membership of over 250 members;

[(3)] (C) the participating candidate is opposed by a candidate who has had significant media exposure in the twelve months preceding the election. For purposes of this paragraph, significant media exposure shall mean appearance of the opponent or his or her name on television or radio in the area of the covered election or in print media in general circulation in the area of the covered election at least twelve times in the year preceding the covered election; provided, however, that the listing of names of candidates or potential candidates for a covered election without additional information concerning the opponent shall not constitute an appearance for purposes of this paragraph;

[(4)] (D) the participating candidate is opposed by a candidate who has received twenty-five percent or more of the vote in an election for public office in an area encompassing all or part of the area that is the subject of the current election in the last eight years preceding the election;

[(5)] (E) the participating candidate is opposed by a candidate whose name is substantially similar to the candidate's so as to result in confusion among voters, as determined by the board;

[(6)] (F) the participating candidate in a city council or borough-wide race is opposed by a candidate who is a chairman or president of a community board or district manager of a community board; or

[(7)] (G) the participating candidate is opposed by a candidate whose spouse, domestic partner, sibling, parent or child holds or has held elective office in an area encompassing all or part of the area of the covered election in the past ten years[. The board shall be authorized to verify the truthfulness of any certified statement

submitted pursuant to this paragraph and of any supporting documentation and shall post such certified statements and supporting documentation on its website.];

[(c)] (2) the participating candidate is opposed in a primary or special election for an office for which no incumbent is seeking re-election[.]; or

(3) the participating candidate is opposed by any candidate who has received public funds payments for the covered election.

(b) If any of the conditions described in [paragraphs (a), (b), or (c)] subparagraphs (1), (2), or (3) of paragraph (a) occur in such election, the board shall pay any and all additional public funds due to the participating candidate up to the maximum total payment applicable in such election under subdivisions two or six of this section or subdivision three of section 3-706 of this chapter.

§ 17. The heading of section 3-706 of the administrative code of the city of New York is amended to read as follows:

§ 3-706 Expenditures limitations[; additional financing and limits].

§ 18. Subdivision 3 of section 3-706 of the administrative code of the city of New York is amended to read as follows:

3. (a) If any candidate in any covered election chooses not to file a certification as a participating or limited participating candidate pursuant to this chapter, and where the campaign finance board has determined that such candidate and his or her authorized committees have spent or contracted or have obligated to spend, or received in loans or contributions, or both, an amount which, in the aggregate, exceeds half the applicable expenditure limit for such office fixed by subdivision one of this section, then[:

(i)] such expenditure limit applicable to participating candidates and limited participating candidates in such election for such office shall be increased to one hundred fifty percent of such limit[; and

(ii) the principal committees of such participating candidates shall receive payment for qualified campaign expenditures of five dollars for each one dollar of matchable contributions, up to one thousand two

hundred fifty dollars in public funds per contributor (or up to six hundred twenty five dollars in public funds per contributor in the case of a special election); provided, however, that (A) participating candidates in a run-off election shall receive public funds for such election pursuant to subdivision five of section 3-705 and shall not receive any additional public funds pursuant to this section, and (B) in no case shall a principal committee receive in public funds an amount exceeding two-thirds of the expenditure limitation provided for such office in subdivision one of this section.

(iii) for elections occurring after January first, two thousand eight, the campaign finance board shall promulgate rules to provide that the principal committees of such participating candidates shall receive payment for qualified campaign expenditures that will provide the highest allowable matchable contribution to be matched by an amount up to one thousand two hundred fifty dollars in public funds per contributor (or up to six hundred twenty five dollars in public funds per contributor in the case of special election); provided, however, that (A) participating candidates in a run-off election shall receive public funds for such election pursuant to subdivision five of section 3-705 and shall not receive any additional public funds pursuant to this section, and (B) in no case shall a principal committee receive in public funds an amount exceeding two-thirds of the expenditure limitation provided for such office in subdivision one of this section].

(b) If any candidate in any covered election chooses not to file a certification as a participating or limited participating candidate pursuant to this chapter, and where the campaign finance board has determined that such candidate and his or her authorized committees have spent or contracted or have obligated to spend, or received in loans or contributions, or both, an amount which, in the aggregate, exceeds three times the applicable expenditure limit for such office fixed by subdivision one of this section, then[:

(i)] such expenditure limit shall no longer apply to participating candidates and limited participating candidates in such election for such office[; and

(ii) the principal committees of such participating candidates shall receive payment for qualified campaign expenditures of six dollars for each one dollar of matchable contributions, up to one thousand five

hundred dollars in public funds per contributor (or up to seven hundred fifty dollars in public funds per contributor in the case of a special election); provided, however, that (A) participating candidates in a run-off election shall receive public funds for such election pursuant to subdivision five of section 3-705 and shall not receive any additional public funds pursuant to this section, and (B) in no case shall a principal committee receive in public funds an amount exceeding one hundred twenty-five percent of the expenditure limitation provided for such office in subdivision one of this section.

(iii) for elections occurring after January first, two thousand eight, the campaign finance board shall promulgate rules to provide that the principal committees of such participating candidates shall receive payment for qualified campaign expenditures that will provide the highest allowable matchable contribution to be matched by an amount up to one thousand five hundred dollars in public funds per contributor (or up to seven hundred fifty dollars in public funds per contributor in the case of special election); provided, however, that (A) participating candidates in a run-off election shall receive public funds for such election pursuant to subdivision five of section 3-705 and shall not receive any additional public funds pursuant to this section, and (B) in no case shall a principal committee receive in public funds an amount exceeding one hundred twenty-five percent of the expenditure limitation provided for such office in subdivision one of this section].

§ 19. Subdivision 8 of section 3-708 of the administrative code of the city of New York is amended to read as follows:

8. The board shall have the authority to promulgate such rules and regulations and provide such forms as it deems necessary for the administration of this chapter. The board shall promulgate regulations concerning the form in which contributions and expenditures are to be reported, the periods during which such reports must be filed and the verification required. The board shall require the filing of reports of contributions and expenditures for purposes of determining compliance with paragraph (f) of subdivision one of section 3-703, section 3-706, subdivision 1-a of section 3-703, section [3-718] 3-717, and section [3-719] 3-718, in accordance with the schedule specified by the state board of elections for the filing of campaign receipt and

expenditure statements.

§ 20. Subdivision 5 of section 3-709 of the administrative code of the city of New York is amended to read as follows:

5. No moneys shall be paid to participating candidates in a primary or general election any earlier than [four business days after the final day to file a written certification pursuant to paragraph (c) of subdivision 1 of section 3-703] December 15 of the year preceding the primary election, or the thirtieth day after a special election is held to fill a vacancy for the office sought by the candidate; whichever is later.

(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 any earlier than the day after the day of the primary election held to nominate candidates for such election.

(b) No moneys shall be paid to participating candidates in a run-off special election held to fill a vacancy any earlier than the day after the day of the special election for which such run-off special election is held.

§ 21. Paragraph (b) of subdivision 3 of section 3-710 of the administrative code of the city of New York is amended to read as follows:

(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, filing designating or nominating petitions for inclusion on the ballot, raising and spending funds for nomination for election or election to a covered office, seeking endorsements, and broadly soliciting votes.

§ 22. Subdivision 3 of section 3-710 of the administrative code of the city of New York is amended to add a new paragraph (c) to read as follows:

(c) If a participating candidate whose principal committee has received public funds prior to the last day for filing designating or nominating petitions for inclusion on the ballot ceases to actively campaign for a covered office, including but not limited to making public statements indicating that such participating candidate is no longer seeking nomination for election or election to a covered office, then the board shall inform such participating candidate of the board's determination that such candidate has ceased actively campaigning for a covered office. Expenditures incurred prior to the date by which such candidate has ceased actively campaigning for a covered office may be considered qualified expenditures, but no expenditures incurred after the date of such a determination of the board shall be considered qualified expenditures.

§ 23. Paragraph (c) of subdivision 1 of section 3-713 of the administrative code of the city of New York is amended to read as follows:

(c) the number and names of candidates filing a certification pursuant to section [3-718] 3-717 of this chapter in each election during the four preceding calendar years, together with the expenditures made by each such candidate and the principal committee of such candidate in each such election;

§ 24. Section 3-717 of the administrative code of the city of New York is REPEALED.

§ 25. Sections 3-718, 3-719 and 3-720 of the administrative code of the city of New York are renumbered sections 3-717, 3-718 and 3-719.

§ 26. Chapter 7 of the administrative code of the city of New York is amended to add a new section 3-720, to read as follows:

§ 3-720 Covered elections prior to the year 2022. a. Notwithstanding any other provision of this chapter, the contribution limitations and public matching funds provisions, including those pertaining to the matching formula, qualifying threshold, and public funds cap, pursuant to this section shall apply to all candidates seeking office in covered elections held prior to the year 2022.

b. For non-participating candidates in a covered election held prior to the year 2022, the maximum contributions shall be as follows:

1. for the office of mayor, public advocate or comptroller, \$5,100;

2. for borough president, \$3,950; or

3. for member of the city council, \$2,850.

c. Candidates seeking office in covered elections held prior to the year 2022 who intend to participate shall file with the campaign finance board a nonbinding written statement declaring whether they intend to select the terms, conditions, and requirements for contribution limits and for the provision of public matching funds, including those pertaining to the matching formula, qualifying threshold, public funds cap, and distribution schedule, under Option A or Option B provided in subdivision d of this section. Such statement shall be made on the date of the filing of the first disclosure report required pursuant to section 3-703 of the administrative code, provided that candidates who intend to participate in such system who filed such first disclosure report prior to January 12, 2019 shall file such non-binding written statement with the campaign finance board no later than September 15, 2019, and further provided that such non-binding written statement shall not be required if a candidate has already complied with subdivision d of this section as of the date of the filing of the first disclosure report. Failure to file the statement required pursuant to this subdivision shall not be deemed to preclude a candidate from choosing to participate in the voluntary system of campaign finance reform described in this chapter, pursuant to paragraph (c) of subdivision 1 of section 3-703, provided that if no such statement is filed then the board shall apply to such a participating candidate the terms, conditions and requirements pursuant to Option B.

d. Participating candidates seeking office in covered elections held prior to the year 2022 shall state in the written certification filed pursuant to paragraph (c) of subdivision 1 of section 3-703, whether they agree to the terms, conditions, and requirements for contribution limits and for the provision of public matching funds, including those pertaining to the matching formula, qualifying threshold, public funds cap, and distribution schedule, under Option A or Option B provided in subdivision e of this section.

e. 1. Option A. For candidates seeking office in covered elections held prior to the covered primary

election to be held in the year 2021: (i) the contribution limitations pursuant to paragraph (f) of subdivision 1 of section 3-703; (ii) the matching formula provided in paragraph a of subdivision 2 of section 3-705; (iii) a public funds cap such that the principal committee of a participating candidate shall not receive public funds in excess of an amount equal to 75 percent of the expenditure limitation provided in subdivision 1 of section 3-706 for the office for which such candidate seeks nomination for election or election, as adjusted by the campaign finance board pursuant to paragraph (e) of subdivision 1 of section 3-706; and (v) the threshold for eligibility for public funding for participating candidates pursuant to subdivision 2 of section 3-703.

For candidates seeking office in a covered primary or general election to be held in the year 2021: (i) the contribution limitations pursuant to paragraph (f) of subdivision 1 of section 3-703; (ii) the matching formula pursuant to paragraph a of subdivision 2 of section 3-705; (iii) the public funds cap pursuant to paragraph b of subdivision 2 of section 3-705; and (v) the threshold for eligibility for public funding for participating candidates pursuant to subdivision 2 of section 3-703.

2. Option B. The contribution limitations and public matching funds provisions, including those pertaining to the matching formula, qualifying threshold, and public funds cap, as in effect prior to January 12, 2019.

f. For participating candidates and their principal committees seeking office in covered elections held prior to the year 2022, the campaign finance board shall administer and enforce the contribution limitations and public matching funds provisions, including those pertaining to the matching formula, qualifying threshold, and public funds cap in accordance with whether the participating candidate has chosen Option A or Option B pursuant to subdivision d, provided that: (i) candidates who received contributions prior to January 12, 2019 shall be required to refund the portion of any contribution received prior to January 12, 2019 that exceeds the limitations set forth in paragraph (f) of subdivision 1 of section 3-703 if such candidate elects Option A; and (ii) matchable contributions received prior to January 12, 2019 shall be subject to the matching formula as described in Option A if a candidate elects Option A.

§ 27. Paragraph (b) of subdivision 2 of section 3-801 of the administrative code of the city of New York is amended to read as follows:

(b) not accept any donation or donations of money, goods, or services from any individual other than the candidate, political committee, employee organization, or entity which in the aggregate exceeds the limit for a non-participating candidate for the applicable office contained in paragraph (f) of subdivision one of section 3-703, as adjusted pursuant to subdivision seven of such section as applicable.

§ 28. Subparagraph (a) of 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:

(a) Each person, other than any person described in paragraph one, who has declared his or her intention to seek a designation or nomination for election to an office described in paragraph one of this subdivision and who has filed papers or petitions for a designation or nomination for election, or on whose behalf a certification of nomination or designating or independent nominating petition has been filed which has not been declined, for an office described in paragraph one shall file such report within 25 days after the last day for filing his or her designating or independent nominating petitions pursuant to the election law, provided that the board shall establish by rule the dates, not to exceed 31 days prior to the relevant payment date, by which a person who intends to seek payment on the payment dates of February 15, March 15, or April 15 shall file such report, and further provided that a person who has declared his or her intention to seek a designation or nomination for election to an office described in paragraph one of this subdivision and who intends to seek a payment of public funds on December 15 in the year preceding a covered election or January 15 in the year of a covered election, pursuant to subdivision 4 of section 3-705, shall file a report no later than November 1 of the year preceding such covered election, with such report covering a period of the first nine months of the calendar year preceding such covered election. Any person filing a report covering the first nine months of a year preceding a covered election shall file a report for the entire calendar year preceding a covered election by January 30 in the year of such covered election.

§ 29. This local law takes effect immediately, provided that §26 expires and is deemed repealed on January 1, 2022.

BJR
LS 238
LS 6934 / Int. 1130-2016
6/5/19 1:49PM