



Legislation Details (With Text)

File #: Int 2438-2021 **Version:** A **Name:** Expanding language access and requiring the inclusion of video content in the voter guide.

Type: Introduction **Status:** Enacted

In control: Committee on Governmental Operations

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Enactment date: 1/15/2022 **Enactment #:** 2022/048

Title: A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to expanding language access and requiring the inclusion of video content in the voter guide

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Indexes: Agency Rule-making Required

Attachments: 1. Summary of Int. No. 2438-A, 2. Summary of Int. No. 2438, 3. Int. No. 2438, 4. October 21, 2021 - Stated Meeting Agenda with Links to Files, 5. Hearing Transcript - Stated Meeting 10-21-21, 6. Minutes of the Stated Meeting - October 21, 2021, 7. Committee Report 11/29/21, 8. Hearing Testimony 11/29/21, 9. Hearing Transcript 11/29/21, 10. Proposed Int. No. 2438-A - 12/13/21, 11. Committee Report 12/14/21, 12. Hearing Transcript 12/14/21, 13. Committee Report - Stated Meeting, 14. December 15, 2021 - Stated Meeting Agenda with Links to Files, 15. Hearing Transcript - Stated Meeting 12-15-21, 16. Minutes of the Stated Meeting - December 15, 2021, 17. Int. No. 2438-A (FINAL), 18. Fiscal Impact Statement, 19. Legislative Documents - Letter to the Mayor, 20. Local Law 48

Date	Ver.	Action By	Action	Result
10/21/2021	*	City Council	Introduced by Council	
10/21/2021	*	City Council	Referred to Comm by Council	
11/29/2021	*	Committee on Governmental Operations	Hearing Held by Committee	
11/29/2021	*	Committee on Governmental Operations	Laid Over by Committee	
12/14/2021	*	Committee on Governmental Operations	Hearing Held by Committee	
12/14/2021	*	Committee on Governmental Operations	Amendment Proposed by Comm	
12/14/2021	*	Committee on Governmental Operations	Amended by Committee	
12/14/2021	A	Committee on Governmental Operations	Approved by Committee	Pass
12/15/2021	A	City Council	Approved by Council	Pass
12/15/2021	A	City Council	Sent to Mayor by Council	
1/14/2022	A	City Council	Returned Unsigned by Mayor	
1/15/2022	A	Administration	City Charter Rule Adopted	

Int. No. 2438-A

By Council Members Rosenthal, Brooks-Powers, Ampry-Samuel, Menchaca, D. Diaz, Dinowitz, Ayala, Koo,

Cabán, Kallos, Louis and Rose

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to expanding language access and requiring the inclusion of video content in the voter guide

Be it enacted by the Council as follows:

Section 1. Paragraphs 1 and 2 of subdivision b of section 1052 of the New York city charter, paragraph 1 as amended by local law number 170 for the year 2016, and paragraph 2 as added by such local law, are amended, and a new paragraph 4 is added, to read as follows:

1. The board shall take such actions as it deems necessary and appropriate to improve public awareness of the candidates, ballot proposals or referenda in all elections in which there are contested elections for the offices of mayor, public advocate, borough presidents, comptroller, or city council or ballot proposals or referenda pursuant to this charter or the municipal home rule law, including but not necessarily limited to the publication of a non-partisan, impartial voter guide in at least [one media format] two media formats, including but not necessarily limited to a printed voter guide and a voter guide to be published online, providing information on candidates, ballot proposals and referenda, and the distribution of one copy of such printed guide to each household in which there is at least one registered voter eligible to vote in the election involved. A voter may opt out of receiving a [printed] copy of such printed guide and the board shall comply with this request to the extent feasible.

2. The board shall also take such actions as it deems necessary and appropriate to improve public awareness of the candidates in all other contested elections held in the city of New York for any city, county, state, or federal office or ballot proposals or referenda pursuant to city, county, state, or federal law, including but not necessarily limited to the publication of a non-partisan, impartial voter guide in at least one media format, including but not necessarily limited to a voter guide to be published online, providing information on such candidates, ballot proposals or referenda. [The board shall coordinate with other agencies in general and specialized efforts to improve public awareness of such candidates, proposals, or referenda.]

4. The board shall coordinate with good government organizations, organizations representing or run by

people with disabilities, organizations representing or run by people with limited English proficiency, and other agencies, including but not necessarily limited to the mayor's office for people with disabilities and the 311 customer service center, as necessary to improve public awareness of candidates, proposals, and referenda as provided by this chapter. The board shall publish on an annual basis the names of any organizations with which it collaborates pursuant to this paragraph.

§ 2. Section 1053 of the New York city charter, as amended by local law number 88 for the year 2017, is amended to read as follows:

§ 1053 Voter guide. a. For all elections in which there are contested elections for the offices of mayor, public advocate, borough presidents, comptroller, or city council or ballot proposals or referenda pursuant to this charter or the municipal home rule law, each printed and online voter guide published by the board shall contain:

1. material explaining the date and hours during which the polls will be open for that election; when, where, and how to register to vote; when [a citizen] an eligible voter is required to reregister; when, where, and how absentee ballots are obtained and used; instructions on how to vote; information on the political subdivisions applicable to a particular [citizen's] voter's address; and any other general information on voting deemed by the board to be necessary or useful to the electorate or otherwise consistent with the goals of this charter;

2. such tables of contents, graphics, and other materials which the board determines will make the voter guide easier to understand or more useful for the average voter;

3. information on each candidate, [including] which shall include but need not be limited to name, party affiliation, present and previous public offices held, present occupation and employer, prior employment and other public service experience, educational background, a listing of major organizational affiliations and endorsements, [and] a concise statement by each candidate of [his or her] such candidate's principles, platforms or views, and any other information required by the board by rule;

4. where there is a ballot proposal or referendum, concise statements explaining such proposal or referendum and an abstract of each such proposal or referendum; and

5. For a printed voter guide mailed in connection with the citywide primary and general elections held every four years, such printed voter guide shall include for each registered voter a list of the primary and general elections held over the previous four calendar years for which, according to the records of the board of elections, such voter was registered to vote and whether such voter voted in each such election. Such information may be printed separately from such printed voter guide, provided that it is included with the mailing of such printed voter guide.

b. For all other elections in which there are contested elections held in the city of New York for any city, county, state, or federal office or ballot proposals or referenda pursuant to city, county, state, or federal law, each voter guide shall contain information that the board deems necessary or useful to the electorate or is otherwise consistent with the board's responsibility under this chapter to improve public awareness of candidates, ballot proposals, or referenda.

c. [Voter] All board-generated content in the voter guides shall be prepared in plain language using words with common and everyday meanings.

d. The board shall prepare and publish each voter guide, regardless of format, in English and in each of the designated citywide languages as defined in section 23-1101 of the administrative code and shall promulgate such rules as it deems necessary for the preparation and publication of voter guides in [English, Spanish and] any other languages the board determines to be necessary and appropriate [and for the distribution of the guide in at least one media format]. The purpose of such rules shall be to ensure that the guide and its distribution will serve to fully, fairly and impartially inform the public about the issues and candidates appearing on the ballot.

e. 1. The online voter guide published by the board pursuant to paragraph 1 of subdivision b of section 1052 of this charter shall include a brief video statement from each candidate who:

(a) is on the ballot in a contested primary or general election for the office of mayor, public advocate, borough president, comptroller or city council;

(b) has agreed to participate in such a candidate video statement; and

(c) has met any further requirements established by the board by rule.

2. Each such candidate video statement shall contain information regarding the candidate, which may include but need not be limited to, a concise audio description of the candidate.

3. For each candidate video statement included in the online voter guide pursuant to this subdivision, the board shall ensure that viewers have the ability to view such video statement with captioning in English and each of the designated citywide languages as defined in section 23-1101 of the administrative code, as well as the ability to view such video statement with American Sign Language translation.

4. The board shall promulgate rules to ensure that any candidate video statements included in the online voter guide are accessible to individuals with vision disabilities and may promulgate any additional rules that it determines to be necessary for the implementation of this subdivision.

5. The board shall make all candidate video statements created pursuant to this subdivision available to any city-owned or operated television channels for broadcast on such channels.

6. Each voter guide shall contain a statement informing voters that a participating candidate who is on the ballot in a contested primary or general election for the office of mayor, public advocate, borough president, comptroller or city council shall be subject to non-payment of five percent of such candidate's public funds payments if such candidate does not participate in a candidate video statement.

f. For any election in which the board publishes a printed voter guide pursuant to subdivision b of section 1052 of this charter, the board shall collaborate with public libraries and other organizations, as necessary, to cause the information in such printed voter guide to be made available in a format that is accessible to individuals with print or vision disabilities.

§ 3. Subdivision 4 of section 3-705 of the administrative code of the city of New York, as amended by

local law number 128 for the year 2019, is amended to read as follows:

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; 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; and further provided that, in addition to any other reason for withholding or non-payment pursuant to applicable law or board rules, such withheld funds shall not be payable to any candidate who is on the ballot in a contested primary or general election for the office of mayor, public advocate, borough president, comptroller or city council and fails to provide, to the satisfaction of the board, such submissions as may be requested by the board for the purpose of publishing a video statement in the online voter guide. 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 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] such candidate's right to bring a special proceeding

pursuant to article 78 of the civil practice law and rules.

§ 4. This local law takes effect January 1, 2023.

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