



Legislation Text

File #: Int 1350-2016, **Version:** A

Int. No. 1350-A

By Council Members Garodnick, Greenfield and Menchaca

A Local Law to amend the administrative code of the city of New York, in relation to the adjudication of campaign finance violations

Be it enacted by the Council as follows:

Section 1. Paragraph (a) of subdivision (ii) of section 3-710.5 of the administrative code of the city of New York, as amended by a local law for the year 2016 amending the administrative code of the city of New York relating to executive sessions of the campaign finance board, as proposed in introduction number 1364-A, is amended to read as follows:

(a) The board shall give written notice and the opportunity to appear before the board to any participating, limited participating or non-participating candidate, his or her principal committee, authorized committee, committee treasurer or any other agent of such candidate, if the board has reason to believe that such has committed a violation or infraction before assessing any penalty for such action. Any such written notice of alleged violations shall be issued in a timely manner pursuant to all of the requirements of subdivision one of section 3-710 and shall precede the issuance of the final audit required pursuant to subdivision one of section 3-710. In the case of a written notice issued prior to the date of a covered election, or after the date of a covered election in the case of a notice regarding an alleged failure to respond to a request for audit documentation, such notice may be issued prior to the issuance of a draft audit. Alleged violations and proposed penalties shall be subject to resolution by adjudication before the board consistent with the procedures of section 1046 of the charter, unless such procedures are waived by the candidate or principal committee; provided, however, that in the case of adjudications conducted prior to the date of a covered election, the board

shall use the procedures of section 1046 of the charter only to the extent practicable, given the expedited nature of such pre-election adjudications; and further provided that alleged violations and proposed penalties may be subject, at the discretion of the candidate or principal committee prior to the commencement of an adjudication proceeding before the board, to a proceeding before a tribunal of the office of administrative trials and hearings. Within 90 days of a candidate or principal committee's response to a notice of alleged violations and selection of adjudication process, the board shall accordingly calendar an adjudication proceeding before the board or serve a petition upon the candidate or principal committee for a proceeding before a tribunal of the office of administrative trials and hearings. No candidate, representative of a candidate or campaign finance board staff other than a professional counsel hired or retained for such purpose and not otherwise supervised by campaign finance board staff shall be present during an executive session of the board at which an adjudication before the board is discussed. The board shall issue a final determination within thirty days of the conclusion of [the] an adjudication proceeding or, following a proceeding before a tribunal of the office of administrative trials and hearings and the receipt of findings and recommendations regarding such proceeding, each party shall have 20 days to submit written comments to the board and within 30 days of the conclusion of the written comments period the board shall issue a final determination.

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

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