



Legislation Text

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Int. No. 899-A

By Council Members Powers, Cumbo, Ayala, Levine, Torres, Rosenthal, Brannan, Moya, Van Bramer, Cabrera, Holden, Koslowitz, Rivera, Constantinides, Lander, Chin, Adams, Lancman, Levin, Williams, Richards, Reynoso, Menchaca, Ampry-Samuel, Rose, Perkins, Cohen and Miller

A Local Law to amend the administrative code of the city of New York, in relation to permitting the use of campaign funds for certain childcare expenses

Be it enacted by the Council as follows:

Section 1. Subparagraphs 11 and 12 of paragraph a of subdivision 21 of section 3-702 of the administrative code of the city of New York, subparagraph 11 as amended by, and subparagraph 12 as added by, local law 190 for the year 2016, are amended and a new subparagraph 13 is added, to read as follows:

11. Food and beverages provided to campaign workers and volunteers; [and]

12. Expenditures to facilitate, support, or otherwise assist in the execution or performance of the duties of public office[.]; and

13. Childcare services, provided that: (i) the candidate has received an approved statement of campaign childcare eligibility, pursuant to subdivision 23 of this section, demonstrating that such services are for a child or children under thirteen years of age for whom the candidate is a primary caregiver and that either the need for such services would not exist but for the campaign or the candidate has experienced a significant loss of salary or wage earnings that would not have occurred but for the campaign; and (ii) that expenditures for such services may only be incurred during the calendar year of the election, and the year immediately preceding the calendar year of the election, and may not be incurred after such election is held.

§ 2. Subparagraph 6 of paragraph b of subdivision 21 of section 3-702 of the administrative code of the city of New York is amended to read as follows:

6. Tuition payments and childcare costs, except as permitted by subparagraph 13 of paragraph a of this subdivision;

§ 3. Section 3-702 of the administrative code of the city of New York is amended by adding a new subdivision 23 to read as follows:

23. The term “approved statement of campaign childcare eligibility” shall mean a statement submitted by the candidate, and approved by the board, demonstrating eligibility for childcare services consistent with the requirements of subparagraph 13 of paragraph a of subdivision 21 of this section. Such statement shall be submitted to the board before any childcare services expenditures are incurred and shall be approved or denied by the board within 10 days of submission, provided that a candidate may submit additional statements if denied or if a change in need occurs. At the time of approval of such statement, the board shall provide such candidate with information and guidance on allowable childcare services expenditures.

§ 4. Subdivision 8 of section 3-702 of the administrative code of the city of New York, as amended by local law 60 for the year 2004, is amended to read as follows:

8. The term “contribution” shall mean: (a) any gift, subscription, advance, or deposit of money or any thing of value, made in connection with the nomination for election, or election, of any candidate; (b) any funds received by a political committee from another political committee to the extent such funds do not constitute a transfer; (c) any payment, by any person other than a candidate or a political committee authorized by the candidate, made in connection with the nomination for election, or election, of any candidate, including but not limited to compensation for the personal services of any individual which are rendered in connection with a candidate's election or nomination without charge; provided however, that none of the foregoing shall be deemed a contribution if it is made, taken or performed by a person or a political committee independent of the candidate or his or her agents or political committees authorized by such candidate pursuant to section 14-112 of the New York state election law. For purposes of this subdivision, the term “independent of the candidate or his or her agents or political committees authorized by such candidate pursuant to section 14-112 of the New

York state election law” shall mean that the candidate or his or her agents or political committees so authorized by such candidate did not authorize, request, suggest, foster or cooperate in any such activity; and provided further, that the term “contribution” shall not include:

(i) the value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee,

(ii) the use of real or personal property and the cost of invitations, food and beverages voluntarily provided by an individual to a candidate or political committee on the individual's residential premises for candidate-related activities to the extent such services do not exceed five hundred dollars in value, and

(iii) the travel expenses of any individual who on his or her own behalf volunteers his or her personal services to any candidate or political committee to the extent such expenses are unreimbursed and do not exceed five hundred dollars in value.

A loan made to a participating candidate or his or her principal committee, or a non-participating candidate or his or her authorized committees other than in the regular course of the lender's business shall be deemed, to the extent not repaid by the date of the first covered election in which such candidate is governed by this chapter following the date of the loan, a contribution by the lender. A loan made to a participating candidate or his or her principal committee, or a non-participating candidate or his or her authorized committees in the regular course of the lender's business shall be deemed, to the extent not repaid by the date of the first covered election in which the candidate is governed by this chapter following the date of the loan, a contribution by the obligor on the loan and by any other person endorsing, cosigning, guaranteeing, collateralizing or otherwise providing security for the loan. Childcare services for which the candidate has received an approved statement of campaign childcare eligibility, but for which there is no campaign expenditure, shall not be deemed an in-kind contribution if rendered below cost.

§ 5. Paragraphs (k) and (l) of subdivision 2 of section 3-704 of the administrative code of the city of New York, paragraph (k) as amended by, and paragraph (l) as added by, local law 190 for the year 2016, are

amended and a new paragraph (m) is added, to read as follows:

(k) payments made through advances, except in the case of individual purchases in excess of two hundred fifty dollars; [or]

(l) expenditures to facilitate, support, or otherwise assist in the execution or performance of the duties of public office[.]; or

(m) childcare services.

§ 6. Section 3-706 of the administrative code of the city of New York, is amended by adding a new subdivision 5 to read as follows:

5. (a) Expenditures for childcare services made pursuant to subparagraph 13 of paragraph a of subdivision 21 of section 3-702 for an aggregate amount of \$20,000 or less shall not be limited by the expenditure limitation of paragraph a of subdivision 1 of this section, provided that any aggregate amount in excess of \$20,000 shall be limited by such paragraph.

(b) Not later than the first day of March in the year two thousand 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 eighteen of such consumer price index; (ii) adjust each expenditure limitation applicable pursuant to this subdivision by the amount of such percentage difference to the nearest thousand dollars; and (iii) publish such adjusted expenditure limitation in the City Record. Such adjusted expenditure limitation shall be in effect for any election held before the next such adjustment.

§ 7. Paragraph (b) of subdivision 7 of section 3-708 of the administrative code of the city of New York, as amended by local law 182 for the year 2016, is amended to read as follows:

(b) The board shall develop a program for informing candidates and the public as to the purpose and effect of the provisions of this chapter. The board shall prepare and make available educational materials,

including compliance manuals and summaries and explanations of the purposes and provisions of this chapter. These materials shall be prepared in plain language. The board shall prepare and make available materials, including, to the extent feasible, computer software, to facilitate the task of compliance with the disclosure and record-keeping requirements of this chapter. When disclosure reports are generated by use of the board's disclosure software, the board shall provide an opportunity for candidates to test their electronic filings on any of the three business days prior to the deadline for the filing of such disclosure reports. Any disclosure software issued by the board on or after January 1, 2008 shall enable users to meet their electronic disclosure obligations under this chapter and under article 14 of the election law, provided that if such disclosure software does not enable users to meet their electronic disclosure obligations under article 14 of the election law then the board shall, upon the request of any user, prepare and deliver to the user an individual electronic file that enables the user to meet such obligations in a timely manner, and, for every date upon which disclosure filings are due from candidates and such disclosure software does not have such functionality, report to the council, mayor and users the cause for such disclosure software not enabling users to meet such obligations and the date upon which such disclosure software is expected to have such functionality. Such disclosure software shall provide a notice to any user that enters an expenditure for childcare services, pursuant to subparagraph 13 of paragraph a of subdivision 21 of section 3-702, advising such user of the requirement to obtain an approved statement of campaign childcare eligibility prior to incurring such expenditures.

§ 8. Sections one, two, three, four, five, and six take effect 120 days after they become law, except that they shall not be deemed to be in effect for any special election proclaimed by the mayor prior to such date. Section seven takes effect one year after it becomes law. The campaign finance board may take all actions necessary for the implementation of this local law, including the promulgation of rules, prior to such effective dates.

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