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Int. No. 1129

By Council Members Kallos, Cabrera and Reynoso

A Local Law to amend the New York city charter, in relation to alternate eligibility for designation or nomination of a candidate for an elected office of the city

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 1057-b of the New York city charter, as added at General Election November 2, 2010, is amended to read as follows:

a. The number of signatures required for any designating petition or independent nominating petition for the designation or nomination of a candidate for an elected office of the city shall be governed by applicable provisions of the New York state election law, except that in no event shall the number of signatures required exceed the following limits:

(1) for the offices of mayor, comptroller, or public advocate, three thousand seven hundred fifty signatures;

(2) for the office of borough president, two thousand signatures; [and]

(3) for the office of member of the city council, four hundred fifty

Signatures[.]; and

(4) for the offices of mayor, comptroller, public advocate, borough president, or member of the city council, zero signatures, where the candidate has met the requirements set forth in section 1057-c of this chapter.

§ 2. Chapter forty-six of the New York city charter is amended by adding a new section 1057-c to read as follows:

§ 1057-c. Designation or nomination; alternate eligibility method. a. The method by which a candidate may qualify to be on a ballot for an elected office of the city shall be governed by applicable provisions of the New York state election law and section 1057-b of this chapter, except that as an alternative to meeting the requirements set forth in the New York state election law and in section 1057-b of this chapter a candidate for an elected office of the city may qualify to be on the ballot by raising funds sufficient to meet the minimum threshold set forth for such office pursuant to subdivision two of section 3-703 of the administrative code.

b. The campaign finance board shall issue a certificate designating or nominating a person for public office to a person who qualifies pursuant to the method provided for in subdivision a of this section. Such certificate shall be delivered by such person to the board of elections in the city of New York in the manner prescribed by the board of elections in the city of New York.

c. Upon the filing of such certificate designating or nominating a person for an elected office of the city, the board of elections in the city of New York shall mail notice thereof to each such person. Such notice shall also state the last day to decline such designation or nomination, and include a statement that the candidate's name shall appear on the ballot as it appears in such notice.

§ 3. Subdivision 1 of section 3-703, as amended by local law 67 for the year 2007, is amended to read as follows:

1. To be eligible for optional public financing under this chapter, a candidate for nomination for election or election must:

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

[(a)] [(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;

[(b)] [(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 an 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, or such other later date as the board shall provide, 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 such date;

(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 seventh day after the proclamation of such special election. 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;

[(c)] [(d)] obtain and furnish to the campaign finance board and his or her principal committee or authorized committees must obtain and furnish to the board any information it may request relating to his or her campaign expenditures or contributions and furnish such documentation and other proof of compliance with

this chapter as may be requested by such board, provided, however, that the board shall accept such required documentation through an electronically scanned transmission;

~~(d)~~~~[(e)]~~ notify the board in the candidate's written certification as to:

(i) the existence of each authorized committee authorized by such candidate that has not been terminated, (ii) whether any such committee also has been authorized by any other candidate, and (iii) if the candidate has authorized more than one authorized committee, which authorized committee has been designated by the candidate as the candidate's principal committee for the election(s) covered by the candidate's certification; provided, that such principal committee (i) shall be the only committee authorized by such candidate to aid or otherwise take part in the election(s) covered by the candidate's certification, (ii) shall not be an authorized committee of any other candidate, and (iii) shall not have been authorized or otherwise active for any election prior to the election(s) covered by the candidate's certification. The use of an entity other than the designated principal committee to aid or otherwise take part in the election(s) covered by the candidate's certification shall be a violation of this section and shall trigger the application to such entity of all provisions of this chapter governing principal committees;

~~(e)~~~~[(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 dollars, or (ii) for borough president, shall exceed three thousand five hundred dollars, or (iii) for member of the city council, shall exceed two 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;

(f)[(g)] maintain and his or her principal committee or authorized committees must maintain such records of receipts and expenditures for a covered election as required by the board;

(g)[(h)] not make expenditures from or use his or her personal funds or property or the personal funds or property jointly held with his or her spouse, domestic partner, or unemancipated children in connection with his or her nomination for election or election except as a contribution to his or her principal committee in an amount that does not exceed three times the maximum contribution amount applicable pursuant to paragraph (f) of this subdivision. Such candidate shall not make expenditures from or use other personal funds or property of his or her spouse, domestic partner or unemancipated children in connection with his or her nomination for election or election; provided that this paragraph shall not be construed to limit contributions by persons other than the candidate;

(h)[(i)] not make and his or her principal committee must not make expenditures which in the aggregate exceed the applicable expenditure limitations set forth in section 3-706;

(i)[(j)] meet the threshold for eligibility set forth in subdivision two of this section;

(j)[(k)] not accept and his or her principal committee must not accept, either directly or by transfer, any

contribution, loan, guarantee, or other security for such loan from any political committee for all covered elections held in the same calendar year in which he or she is a participating candidate, except as is otherwise provided for contributions by political committees pursuant to section 3-707 of this chapter; and

(k)(l) not accept and his or her principal committee or authorized committees must not accept, either directly or by transfer, any contribution, loan, guarantee, or other security for such loan from any corporation, limited liability company, limited liability partnership or partnership, other than a corporation, limited liability company, limited liability partnership or partnership that is a political committee as defined in subdivision eleven of section 3-702 of this chapter, for all covered elections held in the same calendar year in which he or she is a participating or non-participating candidate, provided, however, that where a contribution is from a contributor whose name is followed by a professional designation including but not limited to "M.D.", "Esq." and "C.P.A." the board shall not treat such contribution as coming from a corporation, limited liability company, limited liability partnership or partnership in the absence of further indicia that such contribution is from such an entity;

(l)(m) fulfill the requirements of section 12-110 of the administrative code of the city of New York, including payment of any penalties as determined by the conflicts of interest board.

(i) The conflicts of interest board shall provide a participating candidate with a receipt indicating proof of compliance with section 12-110 of the administrative code of the city of New York in such form as the conflicts of interest board shall determine. Such receipt as provided by the conflicts of interest board shall indicate the time and date of filing of the financial disclosure report.

(ii) A participating candidate shall provide the campaign finance board with the receipt provided by the conflicts of interest board pursuant to subparagraph (i) of this paragraph, in such form and manner as the campaign finance board shall require, by the last business day of July in the year of the covered election, or such other later date as the campaign finance board shall provide by rule, except that in a special election to fill a vacancy the deadline for filing such receipt shall be established by campaign finance board rule.

(iii) A participating candidate who fails to adhere to the requirements of subparagraph (ii) of this paragraph may thereafter satisfy the requirements of this paragraph by submitting a receipt in accordance with subparagraph (i) of this paragraph at such times and in such manner as provided by campaign finance board rule. The campaign finance board shall thereafter allow the participating candidate to make a claim for public funds upon satisfying the requirements of this paragraph and all other applicable law, rules and regulations; provided, however that a receipt that is not filed timely pursuant to subparagraph (ii) of this paragraph may result in a delay of any payment of public funds by the board; and

(m)[(n)] satisfy any claim made by the board for the payment of civil penalties or repayment of public funds that remains outstanding against such candidate or his or her principal committee or an authorized committee of such candidate from a prior covered election, if (i) the candidate had written notice of such potential claim and ineligibility to receive public funds prior to filing a written certification for the current covered election pursuant to paragraph (c) of this subdivision, or (ii) in the event no such timely notice has been given pursuant to subparagraph (i), the candidate has been given an opportunity to present to the board reasons he or she should be eligible to receive public funds.

(n)[(o)] agree that expenditures by his or her principal committee for the purpose of advocating a vote for or against a proposal on the ballot in an election that is also a covered election shall be subject to the contribution and expenditure limitations applicable in such covered election.

§ 4. This local law shall take effect 120 days following its ratification by the voters of this city in a referendum to be held in the general election next following its enactment, provided that the campaign finance board and the board of elections in the city of New York may, following such ratification but before such effective date, take such measures as are necessary, including the promulgation of rules, to implement this local law.

SMD
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