

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2019**

No. 1

Introduced by Council Members Kallos, Powers, Constantinides, Brannan, Lander, Levin, Espinal, Holden, Cabrera, Lancman, Richards, Deutsch, Reynoso, Cornegy, Ampy-Samuel and Salamanca.

A LOCAL LAW

To amend the New York city charter and the administrative code of the city of New York, in relation to the campaign finance laws to be in effect for covered elections held prior to the 2021 primary

Be it enacted by the Council as follows:

Section 1. Paragraph 18 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, is amended to read as follows:

18. Notwithstanding any other provision of law, the threshold for eligibility for public funding for participating candidates in a primary or general election[, or special election to fill a vacancy,] shall be in the case of: (i) mayor, not less than \$250,000 in matchable contributions comprised of sums up to \$250 per contributor including at least 1,000 matchable contributions of \$10 or more; and (ii) public advocate and comptroller, not less than \$125,000 in matchable contributions comprised of sums of up to \$250 per contributor including at least 500 matchable contributions of \$10 or more; *provided that the threshold dollar amount of summed matchable contributions shall be halved for any special election to fill a vacancy for mayor, public advocate or comptroller.* The thresholds for eligibility for public funding for participating candidates for the offices of mayor,

public advocate or comptroller described in this paragraph shall replace the thresholds for eligibility for public funding for participating candidates for the offices of mayor, public advocate or comptroller set forth in subparagraphs (i) and (ii) of paragraph (a) of subdivision 2 of section 3-703 of the administrative code and shall be applied to the same extent and in the same manner and subject to the same restrictions as described in this section and chapter 7 of title 3 of the administrative code. Any reference in this charter, the administrative code or any other local law to the thresholds for eligibility for public funding for participating candidates for the offices of mayor, public advocate or comptroller set forth in subparagraphs (i) and (ii) of paragraph (a) of subdivision 2 of section 3-703 of the administrative code shall be deemed a reference to this subdivision.

§ 2. Subparagraphs (a), (b), (c), (d), and (e) of paragraph (1) 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, are amended to read as follows:

(a) Except as otherwise provided in this paragraph, the amendments to the charter adding paragraphs 16 through 22 of subdivision a of section 1052, approved by the electors on November 6, 2018, shall take effect on January 12, 2019, and thereafter shall control as provided with respect to all the powers, functions and duties of officers, agencies and employees, except as further specifically provided in other sections of this charter.

(b) Officers and employees of the city shall take any actions as are necessary and appropriate to prepare for the implementation of such amendments prior to January 12, 2019, *including the implementation of such amendments for any special election to fill a vacancy held in the year 2019.*

(c) [With respect to candidates seeking office in any covered election held prior to the primary election held in the year 2021, such amendments shall not apply and the law as in effect prior to January 12, 2019 shall govern.] *With respect to candidates seeking office in any special election to fill a vacancy held in the year 2019, such amendments shall apply prior to January 12, 2019, as provided in this paragraph.*

(d) (i) Candidates seeking office in *covered elections held prior to the covered primary election to be held in the year 2021* and covered primary, run-off primary, and general elections held in the year 2021 who intend to participate in the voluntary system of campaign finance reform described in this section and chapter 7 of title 3 of the administrative code 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 clause (iii) of this subparagraph. 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 *seeking office in a covered primary, run-off primary, or general election held in the year 2021* 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 July 15, 2019, and provided further that such non-binding written statement shall not be required if a candidate has already complied with clause (ii) of this subparagraph as of the date of the filing of the first disclosure report. Failure to file the statement required pursuant to this clause (i) shall not be deemed to preclude a candidate from choosing to participate in the voluntary system of

campaign finance reform described in this section and chapter 7 of title 3 of the administrative code pursuant to paragraph (c) of subdivision 1 of section 3-703.

(ii) Participating candidates seeking office in *covered elections held prior to the covered primary election to be held in the year 2021 and covered primary, run-off primary, and general elections held in the year 2021*, shall state in the written certification filed pursuant to paragraph (c) of subdivision 1 of section 3-703 of the administrative code, 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 clause (iii) of this subparagraph, provided that participating candidates *seeking office in a covered primary, run-off primary, or general election held in the year 2021* who filed such certification prior to January 12, 2019 shall file an amended certification with such information with the campaign finance board no later than January 15, 2021, *and further provided that participating candidates seeking office in a covered special election to fill a vacancy held in the year 2019 who filed such certification prior to January 12, 2019 and did not indicate a choice of Option A or Option B in such certification shall file an amended certification with such information with the campaign finance board no later than January 15, 2019.*

(iii) Option A. The contribution limitations and public matching funds provisions, including those pertaining to the matching formula, qualifying threshold, public funds cap, and distribution schedule, as in effect on and after January 12, 2019.

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

(e) For participating candidates and their principal committees seeking office in *covered elections held prior to the covered primary election to be held in the year 2021 and covered primary, run-off primary, and general elections held in 2021*, 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, public funds cap, and distribution schedule in accordance with whether the participating candidate has chosen Option A or Option B pursuant to subparagraph (d) of this paragraph, *provided that: (i) for any special election to fill a vacancy held in the year 2019, a candidate who elects Option A shall be required to refund the portion of any contribution received prior to January 12, 2019 that exceeds one half the limitations set forth in subparagraph b of paragraph (17) of subdivision (a) of section 1052 of the New York city charter; and (ii) for any special election to fill a vacancy, regardless of date received, shall be subject to the matching formula in effect on or after January 12, 2019 if a candidate elects Option A and to the matching formula in effect prior to such date if such candidate elects Option B.*

§ 3. Subparagraph (h) of paragraph (1) 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, is amended to read as follows:

(h) The campaign finance board shall promulgate rules necessary to implement the provisions of this paragraph, which shall include provisions addressing contributions made prior to January 12, 2019, provided that: (i) *for any covered election other than a special election to fill a vacancy held in the year 2019*, candidates who received [eligible] contributions prior to January 12, 2019 shall not be required to refund such [eligible] contributions or any portion thereof solely by reason of electing Option A as set forth in subparagraph (d) of this paragraph; and (ii) *for any covered election other than a special election to fill a vacancy held in the year 2019*, [eligible] matchable contributions received prior to January 12, 2019 shall be subject to the matching formula in effect prior to such date, regardless of whether the participating candidate [chooses] *chooses* Option A or Option B.

§ 4. Subparagraph (i) of paragraph (b) of subdivision 5 of section 3-709.5 of the administrative code of the city of New York is amended to read as follows:

Except as otherwise provided in subparagraph (ii) below, each debate for a primary, general or special election shall include only those participating candidates or limited participating candidates the sponsor of each such debate has determined meet the non-partisan, objective, and non-discriminatory criteria set forth in any agreement between the sponsor and the board; provided, however, that the criteria for the first debate for a primary[, or general[, or special] election shall include financial criteria requiring that a participating candidate or limited participating candidate shall be eligible to participate in such debate if he or she has, by the last filing date prior to such debate, (I) raised, and (II) spent, an amount equal to or more than two and one half 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; *provided, further, that*

*the criteria for the first debate for a special election shall include financial criteria requiring that a participating candidate or limited participating candidate shall be eligible to participate in such debate if he or she has, by the last filing date prior to such debate, (I) raised, and (II) spent, an amount equal to or more than one and one quarter percent of the expenditure limitation provided in subdivision one of section 3-706 for the office for which such candidate seeks election; and provided, further, that the second debate for a primary, general, or special election shall include only those participating candidates or limited participating candidates who the sponsors have also determined are leading contenders on the basis of additional non-partisan, objective, and non-discriminatory criteria set forth in any agreement between the sponsor and the board. For the purpose of determining whether a participating candidate or limited participating candidate has met the financial criteria to be eligible to participate in any debate, only contributions raised and spent in compliance with the act shall be used to determine [whether] *the amount that* the candidate has raised and spent [two point five percent] *as a percentage* of the expenditure limit provided in subdivision one of section 3-706; further, money “raised” and “spent” does not include outstanding liabilities or loans. Nothing in this provision is intended to limit the debates to the two major political parties.*

§ 5. This local law takes effect immediately, provided that if this local law becomes law after January 2, 2019, it is retroactive to and deemed to have been in effect as of January 2, 2019.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 20, 2018 and approved by the Mayor on January 2, 2019.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 1 of 2019, Council Int. No. 1288-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.