Governmental Operations Committee Staff

Christopher Murray, *Senior Legislative Counsel*

Sebastian Bacchi, *Senior Finance Analyst*



## THE COUNCIL

# **COMMITTEE REPORT OF THE GOVERNMENTAL AFFAIRS Division**

*Jeffrey Baker, Legislative Director*

*Rachel Cordero, Deputy Director, Governmental Affairs*

**COMMITTEE ON GOVERNMENTAL OPERATIONS**

*Hon. Fernando Cabrera, Chair*

#### November 29, 2021

**Oversight:** **Independent Expenditures in New York City Elections**

**Int. 1901:** By Council Members Lander, Miller, Cabrera, Kallos, Brannan, Levin and Yeger

**Title:** A Local Law to amend the New York city charter, in relation to requiring disclosure of the identity of contributors to entities making independent expenditures in support of or in opposition to any municipal ballot proposal or referendum

**Charter:** Amends sections 1052(b) and (c)

**Int. 1937:** By Council Members Dromm, Kallos and Rivera

**Title:** A Local Law to amend the New York city charter, in relation to expanding the collection of certain demographic data by city agencies

**Charter:** Amends section 15

**Int. 2409:** By Council Members Miller, Ulrich, Gibson, Riley, Cornegy, Powers, Vallone, Kallos, Koslowitz, Adams, Holden, Koo, Yeger, Brooks-Powers, Dromm, Rivera, Rosenthal, Moya and Cumbo

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to the cleaning and maintenance of city property

**Admin. Code:** Adds new section 4-216

**Int. 2429:** A Local Law to amend the New York city charter, in relation to the budget of the campaign finance board

**Title:** By Council Members Yeger, Gjonaj, Miller, Borelli, Holden, Adams, Brannan, Salamanca, Grodenchik, D. Diaz, Feliz, Dinowitz, R. Diaz, Sr., Menchaca, Kallos, Maisel, Louis, Koslowitz, Eugene, Cabrera, Cornegy, Levine, Koo, Vallone, Ayala, Riley, Reynoso, Dromm and Matteo

**Charter:** Amends section 1052(c)

**Int. 2438:** By Council Members Rosenthal, Brooks-Powers, Ampry-Samuel, Menchaca, D. Diaz and Dinowitz

**Title:** A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to video voter guides

**Charter:** Amends sections 1052(b)(1) and (2)

**Int. 2453:** By Council Members Lander and Yeger

**Title:** A local law to amend the administrative code of the city of New York, in relation to increasing expenditure limits in response to independent expenditures exceeding certain thresholds

**Admin. Code:** Adds new subdivision (6) to section 3-706

**Int. 2459:** By Council Member Feliz (by request of the Mayor)

**Title:** A Local Law to amend the New York city charter, in relation to establishing an office of information privacy

**Charter:** Amends section 8(h)

# **Introduction**

On November 29, 2021, the Committee on Governmental Operations, chaired by Council Member Cabrera, will hold an oversight hearing entitled “Independent Expenditures in New York City Elections.” The Committee will also hear the following pieces of legislation: Int. 1901, sponsored by Council Member Lander, in relation to requiring disclosure of the identity of contributors to entities making independent expenditures in support of or in opposition to any municipal ballot proposal or referendum; Int. 1937, sponsored by Council Member Dromm, in relation to expanding the collection of certain demographic data by city agencies; Int. 2409, sponsored by Council Member Miller, in relation to the cleaning and maintenance of city property; Int. 2429, sponsored by Council Member Yeger, in relation to the budget of the campaign finance board; Int. 2438, sponsored by Council Member Rosenthal, in relation to video voter guides; Int. 2453, sponsored by Council Member Lander, in relation to increasing expenditure limits in response to independent expenditures exceeding certain thresholds; and Int. 2459, sponsored by Council Member Feliz (by the request of the Mayor), in relation to establishing an office of information privacy. Those invited to testify include the New York City Campaign Finance Board (CFB), representatives from the Administration, and members of the public.

# **Background**

# **Independent Expenditures Generally**

In light of a series of decisions from the Supreme Court of the United States, including the Court’s widely-criticized decision in *Citizens United v. FEC*,[[1]](#footnote-1) ultra-wealthy individuals and organizations are permitted to spend unlimited sums of money on political communications, as long as they do not coordinate their expenditures with candidates.[[2]](#footnote-2) Political expenditures of this kind—i.e., those that are not coordinated with any candidate and therefore are not subject to any expenditure limits—are generally referred to as “independent expenditures.”[[3]](#footnote-3)

Today, most independent expenditures are made by political organizations known as “super PACS.”[[4]](#footnote-4) Sometimes referred to as “independent expenditure committees,”[[5]](#footnote-5) super PACs are political committees organized for the sole purpose of making independent expenditures.[[6]](#footnote-6) Super PACs may raise unlimited amounts of money from individuals, corporations, unions, and other organizations, and may spend unlimited amounts of money advocating for or against political candidates or ballot initiatives.[[7]](#footnote-7) Unlike ordinary political action committees, super PACs are prohibited from donating directly to campaigns or coordinating their spending with candidates.[[8]](#footnote-8)

According to campaign finance experts, the rise of super PACs in the United States has contributed to a growing sense that the ultra-wealthy have outsized influence in American politics.[[9]](#footnote-9) Public opinion surveys consistently reveal a widespread and bipartisan belief among Americans that the wealthy have too much political influence and that campaign finance laws in the country are too weak.[[10]](#footnote-10) These beliefs may undermine Americans’ faith in democracy and make them less likely to vote in future elections. In a 2012 survey conducted on behalf of the Brennan Center for Justice, “one in four respondents—and even larger numbers of low-income people, African Americans, and Latinos—reported that they are less likely to vote because big donors to Super PACs have so much more sway than average Americans.”[[11]](#footnote-11)

Empirical research suggests that the wealthy do indeed have outsized political influence in the United States.[[12]](#footnote-12) For instance, based on an examination of thousands of public opinion surveys conducted between 1981 and 2002, political scientist Martin Gilens found that policy outcomes in the United States frequently reflect the preferences of the wealthy, and only reflect the preferences of the poor when they align with those of their wealthier compatriots.[[13]](#footnote-13) “[W]hen preferences between the well-off and the poor diverge,” the study found, “government policy bears absolutely no relationship to the degree of support or opposition among the poor.”[[14]](#footnote-14)

* 1. ***Independent Expenditures in the 2021 New York City Primaries***

Although super PACs are typically associated with federal elections,[[15]](#footnote-15) they have begun to play a larger role in local races across the country.[[16]](#footnote-16) This was especially true in New York City’s 2021 primary elections for Mayor, Comptroller, Public Advocate, Borough President, and City Council.[[17]](#footnote-17) According to a Gothamist/WNYC analysis of CFB data, super PACs spent over $36 million on the primaries for Mayor and City Council in 2021.[[18]](#footnote-18) This is $23 million *more* than super PACs spent on such races in 2013, the last time there was a mayoral primary without an incumbent running for re-election.[[19]](#footnote-19)

Most of the outside spending[[20]](#footnote-20) in the 2021 primaries went toward the Democratic mayoral contest.[[21]](#footnote-21) According to a Gotham Gazette analysis, super PACs spent $31.4 million on this race alone.[[22]](#footnote-22) Mayor-elect Eric Adams benefited from $7.7 million of outside spending, the most of any candidate.[[23]](#footnote-23) Following Adams were Shaun Donovan (who benefitted from $6.5 million of outside spending), Ray McGuire ($5.75 million), Scott Stringer ($4.75 million) and Andrew Yang ($3.8 million).[[24]](#footnote-24) The three leading women candidates in the race benefited from less outside spending than these five men. Maya Wiley enjoyed $2.2 million of support from independent spenders, Kathryn Garcia enjoyed $235,000, and Diane Morales enjoyed $10,000.[[25]](#footnote-25)

Some of the largest contributors to super PACs in the 2021 mayoral primary were wealthy individuals.[[26]](#footnote-26) In some cases, the same wealthy individual donated to multiple super PACs supporting different candidates. For instance, CFB records indicate that Steven A. Cohen, CEO of Point72 Asset Management and co-owner of the New York Mets, was among the largest contributors to both *Comeback PAC*, the top super PAC supporting Andrew Yang, and *Strong Leadership NYC Inc.*, the top super PAC supporting Eric Adams.[[27]](#footnote-27) Hedge fund executives Kenneth Griffith and Daniel Loeb were also among the top donors to both super PACs.[[28]](#footnote-28) Donating to multiple super PACs supporting different candidates may be a strategic choice for donors hoping to gain influence with the ultimate winner, as it allows donors to effectively “diversify” their political investments.[[29]](#footnote-29) As political scientist Doug Muzzio explained to Gothamist/WNYC, “[a] couple hundred thousand dollars is chump change” for many ultra-wealthy donors, “and on top of it, you might hit the jackpot and be an influential player.”[[30]](#footnote-30)

According to many good government groups, super PAC spending in New York City elections threatens to undermine the City’s campaign finance system, which aims to limit the power of big money in politics by matching small contributions with public funds.[[31]](#footnote-31) In the 2021 Mayoral primary contest, many of the candidates who participated in the public matching funds program also benefited from significant super PAC support, raising questions in the minds of some as to whether such candidates were truly insulated from big money’s influence.[[32]](#footnote-32)

* 1. ***The Regulation of Independent Expenditures by the Campaign Finance Board***

The CFB is responsible for regulating independent expenditures in local elections. In light of the Supreme Court case law noted above, however, the CFB cannot impose contribution limits on those donating to super PACS or restrict the amount of money that super PACs or other independent spenders can spend on local elections. Accordingly, the primary way in which the CFB regulates independent expenditures is through the reporting and disclosure requirements set forth in the City Charter and the CFB Rules.[[33]](#footnote-33) These requirements provide voters with information they can use to evaluate communications funded by super PACs. They also allow CFB to monitor political spending, and to recast expenditures that are not genuinely independent as in-kind campaign contributions, which—unlike independent expenditures—are subject to both contribution and expenditure limits.[[34]](#footnote-34)

Under the Charter and CFB Rules, any individual or entity that makes independent expenditures aggregating $1,000 or more generally must report such expenditures to the CFB.[[35]](#footnote-35) In addition, certain entities making independent expenditures of $5,000 or more are required to report certain information about their governance structures and funding sources.[[36]](#footnote-36) Independent spenders provide this information through the CFB’s Independent Expenditure Disclosure System (IEDS).[[37]](#footnote-37) Independent expenditure disclosure reports are generally due at the same time as candidate disclosure reports, but only during the year of an election.[[38]](#footnote-38) CFB publishes the information disclosed through the IEDS it on its Follow the Money portal.[[39]](#footnote-39)

The Charter and CFB rules also require certain communications from independent spenders to include “paid for by” notices.[[40]](#footnote-40) Specifically, any communication referring to a candidate in a local election that was funded by an individual or entity making at least $1,000 in aggregate independent expenditures must include a paid-for-by notice.[[41]](#footnote-41) The required wording of such notice depends on the type of communication, but in general, “paid for by” notices must identify the individual or entity who funded the communication, and, for communications funded by an entity, such entity’s top three donors.[[42]](#footnote-42)

# **Super PAC Spending on Municipal Ballot Proposals**

Unlike super PACs that spend money in support of or opposition to local *candidates*, super PACs that spend money in support of or opposition to local *ballot proposals* are not required to report their funding sources to the CFB or include “paid for by” notices on their communications.[[43]](#footnote-43) This discrepancy gained attention in 2019, when three groups spent a combined total of over $1 million on communications regarding the five Charter amendment proposals that were on the ballot in the 2019 general election.[[44]](#footnote-44) Referring to the discrepancy as a “blind spot” in the City’s campaign finance laws, the CFB called for legislation eliminating the discrepancy.[[45]](#footnote-45) The New York Daily News Editorial Board published a similar plea.[[46]](#footnote-46) As explained in greater detail below, Int. 1901, sponsored by Council Member Lander, would eliminate this discrepancy by ensuring that super PACs that spend on local ballot proposals are subject to the same disclosure and notice requirements as super PACs that spend on local candidates.

* 1. ***Independent Expenditures and Candidates Participating the Public Matching Funds Program***

Candidates who participate in New York City’s small-dollar public matching funds program are generally required to observe strict expenditure limits.[[47]](#footnote-47) These expenditure limits proscribe the maximum amount that a campaign can spend, in the aggregate, on a particular phase of the election cycle.[[48]](#footnote-48) The expenditure limits vary depending on the office the candidate is seeking. The chart below shows the expenditure limits applicable to each local office, for each phase of the election cycle:[[49]](#footnote-49)

|  |  |  |  |
| --- | --- | --- | --- |
| **Office** | **Expenditure limit for years prior to election** | **Expenditure limit for primary elections** | **Expenditure limit for general elections** |
| Mayor | $343,000 | $7,286,000 | $7,286,000 |
| Public Advocate, Comptroller | $343,000 | $4,555,000 | $4,555,000 |
| Borough President | $153,000 | $1,640,000 | $1,640,000 |
| City Council | $51,000 | $190,000 | $190,000 |

In its post-election report on the 2017 election cycle, the CFB recommended that the Council enact legislation relaxing these expenditure limits when candidates face high-spending independent spenders.[[50]](#footnote-50) According to the CFB, doing so would ensure that candidates who face the threat of independent spending are not deterred from participating in the public matching funds program.[[51]](#footnote-51) Current law already provides expenditure limit relief when candidates participating in the public matching funds program face high-spending non-participating candidates.[[52]](#footnote-52) CFB’s recommendation was to extend the same kind of relief to participating candidates facing high-spending independent expenditures. As explained in greater detail below, Int. 2453, sponsored by Council Member Lander, would implement this recommendation.

# **Legislative Analysis**

**Int. 1901**

As mentioned above, two of the Charter’s independent expenditure provisions apply to those making independent expenditures with respect to local *candidates*, but do not apply to those making independent expenditures with respect to local *ballot proposals*. Int. 1901 (Lander) would expand these two provisions to ensure that they apply to spending on local ballot proposals as well.

The first provision that Int. 1901 would expand is section 1052(a)(15)(b) of the Charter. Currently, this provision provides that any entity that makes independent expenditures of $5,000 or more with respect to a candidate for local office must report certain information regarding its funding sources to the CFB. Specifically, such entity (hereinafter, the “reporting entity”) must report: (i) the identity of any entity that contributed to the reporting entity on or after January 1 of the year before the election; (ii) the identity of any individual or entity that, in the 12 months leading up to the election, contributed $25,000 or more to an entity that, during that same period, contributed $50,000 or more to the reporting entity; and (iii) the identity of any individual that contributed $1,000 or more to the reporting entity in the 12 months leading up to the election. Int. 1901 would require this same information to be reported by any entity that makes independent expenditures of $5,000 or more with respect to a municipal ballot proposal.

The second provision that Int. 1901 would expand is section 1052(a)(15)(c) of the Charter. This provision currently requires “paid for by” notices to be included on any communication with respect to a candidate for local office that was funded by an individual or entity making $1,000 or more in aggregate independent expenditures. Such notices must include the words “paid for by” followed by the name of the individual or entity who funded the communication. For communications funded by an entity, such notices must also include the words “Top Three Donors,” followed by a list of the three largest aggregate donors to such entity in the 12 months leading up to the election. Int. 1901 would require these same “paid for by” notices to be included on communications regarding municipal ballot proposals (provided such communications were funded by an individual or entity making $1,000 or more in independent expenditures).

Int. 1901 has an effective date of January 1, 2021.

**Int. 1937**

Int. 1937 (Dromm) would amend existing requirements for certain city agencies to collect demographic data about ancestry and languages spoken, multiracial ancestry or ethnic origin, and gender identity and sexual orientation. Specifically, the bill would require such information to be collected by any agency that collects demographic information from city residents, rather than just a number of specified social services agencies. The bill would also require the Mayor’s Office of Operation to submit to the Mayor and the Speaker a copy of the training program and manual on collecting demographic data that such Office is required to develop under existing law.

In addition, the bill would require the Mayor’s Office of Operations, or another agency designated by the Mayor, to review all forms used by agencies that collect demographic data from city residents, and to submit a report within 60 days of such review. Such report would be required to list all forms reviewed and indicate whether each such form is within the relevant city agency’s authority to amend. For this purpose, a form would be considered within an agency’s authority to amend if there is no law or court order prohibiting amendment of the form. For forms not within an agency’s authority to amend, the report would be required to identify the law or court order that prohibits such amendment, whether there is any exception that would permit amendment of such form, and, if so, any efforts made to obtain such exception. All forms that are within an agency’s authority to amend would be required to be updated to include optional questions regarding ancestry and languages spoken, multiracial ancestry or ethnic origin, and gender identity and sexual orientation. Forms that are not within an agency’s authority to amend would need to be provided in conjunction with standardized optional questions on these topics.

This bill would take effect 90 days after becoming law.

**Int. 2409**

Int. 2409 (Miller) would assign jurisdiction to city agencies for cleaning and maintaining certain areas within the City. The bill is designed to provide transparency regarding which agencies are responsible for which areas.

Under Int. 2409, the Department of Sanitation would be responsible for cleaning and maintaining all center malls, traffic islands, triangles, medians, sitting areas, underpasses, overpasses, safety zones, step streets, throw-out areas at the end of dead-end streets, and pedestrian walkways and other strips of city property adjacent to streets. Meanwhile, the Department of Parks and Recreation would be responsible for cleaning and maintaining all areas and all city properties that are located entirely within the boundaries of any park except those properties located within the right-of-way of arterial highways which are the responsibility of the Department of Transportation. Finally, the Department of Transportation would be responsible for cleaning and maintaining all city properties that are located on or along arterial highways, except those portions which run through parks which are the responsibility of the Department of Parks and Recreation.

Int. 2409 would require the Departments of Sanitation, Parks and Recreation, and Transportation to develop and maintain a web-based application to track progress on cleaning and maintaining the properties noted above.

Under Int. 2409, it would be the responsibility of any agency or other governmental body having jurisdiction over any subway, railway or developed property to clean along such subway, railway or developed property. In the event such areas are not cleaned or maintained, the Commissioner of Sanitation would be required to order compliance as provided in section 753 of the Charter.

This law would take effect 120 days after becoming law.

**Int. 2429**

Under current law, the CFB is required to submit to the Mayor, by March 10th of each year, detailed itemized estimates of its costs for the ensuing fiscal year. The Mayor is then required to include such estimates in the executive budget without revision. Int. 2494 (Yeger) would give the Mayor discretion, when preparing the executive budget, to set proposed appropriations for the CFB that differ from the Board’s cost estimates. This bill would also require the CFB to provide its cost estimates to the Mayor by February 10th, rather than March 10th, of each year, and to share such estimates with the City Council, in addition to the Mayor.

This bill would take effect immediately.

**Int. 2438**

Int. 2438 (Rosenthal) would require the CFB to publish its voter guide in at least two formats, including a printed format and an online video format, for every local, state, county or federal election held in the City. CFB would be required to promulgate rules for the publication of video voter guides in English, American Sign Language, and each of the designated citywide languages as defined in section 23-1101. For all elections in which there are contested races for local office, the video voter guide would be required to contain the following information on each candidate: 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, a concise statement of the candidate and such candidate’s views, and a concise description of the candidate’s physical attributes.

Int. 2438 would also require the Mayor’s Office for People with Disabilities to develop guidance for best practices for creating printed and video voter guides for individuals with disabilities, including but not limited to individuals who are deaf or hard of hearing, and individuals who are blind or have low vision. The Mayor’s Office for People with Disabilities would be required to update such guidance as necessary.

In addition, Int. 2438 would require candidates to participate in voter guide videos in order to be eligible for public matching funds.

This local law would take effect 90 days after becoming law.

**Int. 2453**

Int. 2453 (Lander) would provide expenditure limit relief to candidates participating in the City’s public matching funds program when such candidates face high-spending independent spenders. Under this bill, when independent expenditures in a particular local election exceed half of the expenditure limit applicable to participating and limited participating candidates in such election, the expenditure limit for all participating and limited participating candidates in that election would increase by 50 percent. In addition, when independent expenditures in a particular local election exceed three times the applicable expenditure limit, the expenditure limit for all participating and limited participating candidates in that election would be lifted completely.

This bill has an effective date of January 1, 2021.

**Int. 2459**

Int. 2459 (Feliz) would require the Mayor to establish an Office of Information Privacy and would require such office to be headed by the Chief Privacy Officer designated pursuant to section 8 of the Charter. The bill would also add to the existing powers and duties of the Chief Privacy Officer. Specifically, the bill would give the Chief Privacy Officer the power and duty to: (i) advise the Mayor and senior city officials and provide guidance to city agencies on issues related to privacy; (ii) establish citywide privacy policies, standards and requirements; (iii) issue guidance to support city agency compliance with privacy laws, policies, and best practices; (iv) advise city agencies on the privacy aspects of suspected and known incidents involving the unauthorized collection, access, acquisition, use or disclosure of identifying information; (v) collaborate with other city officials to advise on any necessary actions regarding such incidents; (vi) train city employees and contractors on privacy laws, policies, and best practices; (vii) advise city agencies on data sharing initiatives and data sharing agreements; and (viii) promulgate rules as necessary to carry out the power and duties of the office.

This bill would take effect immediately.

Int. No. 1901

By Council Members Lander, Miller, Cabrera, Kallos, Brannan, Levin and Yeger

..Title

A Local Law to amend the New York city charter, in relation to requiring disclosure of the identity of contributors to entities making independent expenditures in support of or in opposition to any municipal ballot proposal or referendum

..Body

Be it enacted by the Council as follows:

Section 1. Subparagraphs (b) and (c) of paragraph 15 of subdivision a of section 1052 of the New York city charter, as amended by local law number 41 for the year 2014, are amended to read as follows:

(b) Every individual and entity that makes independent expenditures aggregating one thousand dollars or more [in support of or in opposition] with respect to any candidate [in any covered election,] or [in support of or in opposition to] any municipal ballot proposal or referendum, shall be required to disclose such expenditure to the board. In addition, every entity that, in the twelve months preceding a covered election, makes independent expenditures aggregating five thousand dollars or more [in support of or in opposition] with respect to any candidate [in any covered election] or any municipal ballot proposal or referendum shall disclose the following: (i) the identity of any entity that, on or after the first day of the calendar year preceding the covered election, contributed to the entity reporting the expenditure, and the owners, partners, board members, and officers, or their equivalents, of such contributing entity, or, if no individuals exist in any such roles, the name of at least one individual who exercises control over the activities of such contributing entity; (ii) the identity of any entity or individual who, in the twelve months preceding the covered election, contributed twenty-five thousand dollars or more to any entity that, in the twelve months preceding the covered election, contributed fifty thousand dollars or more to the entity reporting the expenditure; and (iii) the identity of any individual who, in the twelve months preceding the covered election, contributed one thousand dollars or more to the entity reporting the expenditure.

(c) Any literature, advertisement or other communication in support of or in opposition to any candidate in any covered election, or in support of or in opposition to any municipal ballot proposal or referendum, that is paid for by an individual or entity making independent expenditures aggregating one thousand dollars or more shall, in addition to any applicable disclosure requirements in state law, disclose information as follows:

§ 2. This local law takes effect January 1, 2021; provided that the Campaign Finance Board shall take all action necessary for the timely implementation of this law, including the promulgation of rules, prior to such date.

DFC

LS #12866, 12882, 13101

1/13/19 12:45 p.m.

Int. No. 1937

By Council Members Dromm, Kallos and Rivera

..Title

A Local Law to amend the New York city charter, in relation to expanding the collection of certain demographic data by city agencies

..Body

Be it enacted by the Council as follows:

Section 1. Subdivisions i, j and k of section 15 of the New York city charter, as amended by local law number 76 for the year 2018, are amended to read as follows:

i. 1. [The department of social services, the administration for children's services, the department of homeless services, the department of health and mental hygiene, the department for the aging, the department for youth and community development, the department of education and any other agencies designated by the mayor] Any agency that directly or by contract [collect] collects demographic information via form documents from city residents [seeking social services] shall provide all [such] persons [seeking such services] completing such form documents with a standardized, anonymous and voluntary demographics information survey form that contains questions regarding ancestry and languages spoken.

2. The questions shall include options allowing respondents to select from:

(a) at least the top 30 largest ancestry groups and languages spoken in the city of New York based on data from the United States census bureau; and

(b) “other,” with an option to write in a response.

3. Such survey form shall be created by the office of operations and office of immigrant affairs, or such offices or agencies as may be designated by the mayor, and may be updated as deemed necessary by those agencies based on changing demographics.

4. Beginning no later than six months after the effective date of the local law that added this subdivision, and annually thereafter, the office of operations, or the office or agency designated by the mayor, shall conduct a review of all forms issued by the agencies described in paragraph 1 of this subdivision [and any other agencies so designated by the mayor] that[:] collect demographic information [addressing the questions contained on the survey form, are completed by persons seeking services and contain content and/or language in relation to collecting such information that is within the administering city agency's authority to edit or amend] from city residents. The office of operations, or the office or agency designated by the mayor, shall submit to the council, within 60 days of such review, a [list of] report listing all forms reviewed [and all forms eligible for updating and for forms not eligible for updating an explanation of why such forms are not eligible for updating, and indicate which forms shall be updated.] and indicating whether each such form is within the administering city agency's authority to edit or amend. A form shall be considered to be within the administering city agency's authority to edit or amend if there is no law or court order prohibiting amendment of such form. If a form is not within the administering city agency’s authority to edit or amend, the report shall identify the law or court order that prohibits such amendment, whether there is any waiver that would permit amendment of such form, and, if so, any efforts made to obtain such a waiver. When [practicable, when] such forms are updated they shall request voluntary responses to questions about ancestry and languages spoken. All forms identified as [eligible for updating] within the administering city agency's authority to edit or amend during the review required pursuant to this paragraph shall be updated to invite responses to questions about ancestry and languages spoken no later than five years from the effective date of the local law that added this subdivision. All forms not [eligible for updating] within the administering city agency's authority to edit or amend shall be provided in conjunction with the standardized, anonymous and voluntary demographics information survey form as established by paragraph 1 of subdivision i of this section, provided that, if there is any waiver that would permit such form to be amended, the administering city agency shall apply for such waiver, and, if such wavier is granted, such form shall be updated to invite responses to questions about ancestry and languages spoken.

5. Beginning no later than 18 months after the effective date of the local law that added this subdivision, and annually thereafter, the office of operations, or the office or agency designated by the mayor, shall make available to the public data for the prior fiscal year that includes but is not limited to the total number of individuals who have identified their ancestry or languages spoken on the survey form described in paragraph 1 of this subdivision and any forms updated pursuant to paragraph 4 of this subdivision, disaggregated by response option, agency and program. Such data shall be made available to the public through the single web portal provided for in section 23-502 of the administrative code.

6. Each agency that provides the survey form required pursuant to paragraph 1 of this subdivision shall evaluate its provision of services in consideration of the data collected pursuant to this subdivision and the office of operations, or the office or agency designated by the mayor, shall submit to the council a report on any new or modified services developed by any agencies based on such data. Such report shall be submitted no earlier than 18 months after the effective date of the local law that added this paragraph.

7. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting students and families serviced by the New York city department of education. If any category requested contains between 1 and 5, or allows another category to be narrowed to between 1 and 5, the number shall be replaced with a symbol.

j. 1. [The department of social services, the administration for children's services, the department of homeless services, the department of health and mental hygiene, the department for the aging, the department for youth and community development, the department of education and any other agencies designated by the mayor] Any agency that directly or by contract [collect] collects demographic information via form documents from city residents [seeking social services] shall provide all persons [seeking such services] completing such form documents with a standardized, anonymous and voluntary demographic information survey form that contains an option for multiracial ancestry or ethnic origin. Such survey form shall be created by the office of operations and office of immigrant affairs, or such offices or agencies as may be designated by the mayor, and may be updated as deemed necessary by those agencies based on changing demographics.

2. Beginning no later than six months after the effective date of the local law that added this subdivision, and annually thereafter, the office of operations, or an office or agency designated by the mayor, shall conduct a review of all forms issued by the agencies described in paragraph 1 of this subdivision [and any other agencies so designated by the mayor] that[:] collect demographic information [addressing the questions contained on the survey form, are completed by persons seeking services and contain content and/or language in relation to collecting such information that is within the administering city agency's authority to edit or amend] from city residents. The office of operations, or the office or agency designated by the mayor, shall submit to the council, within 60 days of such review, a [list of] report listing all forms reviewed [and all forms eligible for updating, and for forms not eligible for updating an explanation of why such forms are not eligible for updating, and indicate which forms shall be updated.] and indicating whether each such form is within the administering city agency's authority to edit or amend. A form shall be considered to be within the administering city agency's authority to edit or amend if there is no law or court order prohibiting amendment of such form. If a form is not within the administering city agency’s authority to edit or amend, the report shall identify the law or court order that prohibits such amendment, whether there is any waiver that would permit amendment of such form, and, if so, any efforts made to obtain such a waiver. When [practicable, the office of operations, or the office or agency designated by the mayor, shall ensure that when] such forms are updated they shall request voluntary responses to questions about multiracial ancestry or ethnic origin. All forms identified as [eligible for updating] within the administering city agency’s authority to edit or amend during the review required pursuant to this paragraph shall be updated to invite responses to questions about multiracial ancestry or ethnic origin no later than five years from the effective date of the local law that added this subdivision. All forms not [eligible for updating] within the administering city agency’s authority to edit or amend shall be provided in conjunction with the standardized, anonymous and voluntary demographics information survey form as established by paragraph 1 of subdivision j of this section, provided that, if there is any waiver that would permit such form to be amended, the administering city agency shall apply for such waiver, and, if such wavier is granted, such form shall be updated to invite responses to questions about multiracial ancestry or ethnic origin.

3. Beginning no later than 18 months after the effective date of the local law that added this subdivision, and annually thereafter, the office of operations, or the office or agency designated by the mayor, shall make available to the public data for the prior fiscal year that includes but is not limited to the total number of individuals who have identified their multiracial ancestry or ethnic origin on the survey form described in paragraph 1 of this subdivision and any forms updated pursuant to paragraph 4 of this subdivision, disaggregated by response option, agency and program. Such data shall be made available to the public through the single web portal provided for in section 23-502 of the administrative code.

4. Each agency that provides the survey form required pursuant to paragraph 1 of this subdivision shall evaluate its provision of services in consideration of the data collected pursuant to this subdivision and the office of operations, or the office or agency designated by the mayor, shall submit to the council a report on any new or modified services developed by any agencies based on such data. Such report shall be submitted no earlier than 18 months after the effective date of the local law that added this paragraph.

5. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting students and families serviced by the New York city department of education. If any category requested contains between 1 and 5, or allows another category to be narrowed to between 1 and 5, the number shall be replaced with a symbol.

k. 1. [The department of social services, the administration for children's services, the department of homeless services, the department of health and mental hygiene, the department for the aging, the department for youth and community development, the department of education and any other agencies designated by the mayor] Any agency that directly or by contract [collect] collects demographic information via form documents from city residents [seeking social services] shall provide all persons [seeking such services] completing such form documents who are either at least 14 years old or identify as the heads of their own households with a standardized, anonymous and voluntary demographics information survey form that contains questions regarding sexual orientation, including heterosexual, lesbian, gay, bisexual or asexual status or other, with an option to write in a response and gender identity, including transgender, cisgender or intersex status or other, with an option to write in a response.

2. Such survey form shall be created by the office of operations and office of immigrant affairs, or such offices or agencies as may be designated by the mayor, and may be updated as deemed necessary by those agencies based on changing demographics.

3. (a) No later than 60 days after the effective date of the local law that added this subdivision, the office of operations shall submit to the mayor and the speaker of the city council a plan to provide a mandatory training program and develop a manual for agency staff on how to [invite] encourage persons served by such agencies to complete the [survey] questions described in paragraph 1 of this subdivision on the survey form described in paragraph 1 of this subdivision and any forms updated pursuant to paragraph 4 of this subdivision. Such training and manual shall include, but not be limited to, the following:

[(a)] (1) an overview of the categories of sexual orientation and gender identity;

[(b)] (2) providing constituents the option of completing the [survey] questions in a private space and filling out any paperwork without oral guidance from city agency staff;

[(c)] (3) explaining to constituents that completing the [survey] questions is voluntary;

[(d)] (4) explaining to constituents that any data collected from such [survey] questions will not be connected to the individual specifically; and

[(e)] (5) discussions regarding addressing constituents by their self-identified gender.

(b) No later than 90 days after the effective date of the local law that added this subparagraph, the office of operations shall submit to the mayor and the speaker of the city council the mandatory training program and manual developed pursuant to subparagraph (a) of this paragraph.

4. Beginning no later than six months after the effective date of the local law that added this subdivision, and annually thereafter, the office of operations, or an office or agency designated by the mayor, shall conduct a review of all forms issued by the agencies described in paragraph 1 of this subdivision [and any other agencies so designated by the mayor] that[:] collect demographic information [addressing the questions contained on the survey form, are completed by persons seeking services and contain content and/or language in relation to collecting such information that is within the administering city agency's authority to edit or amend] from city residents. The office of operations, or the office or agency designated by the mayor, shall submit to the council, within 60 days of such review, a [list of] report listing all forms reviewed [and all forms eligible for updating, and for forms not eligible for updating an explanation of why such forms are not eligible for updating, and indicate which forms shall be updated.] and indicating whether each such form is within the administering city agency's authority to edit or amend. A form shall be considered to be within the administering city agency's authority to edit or amend if there is no law or court order prohibiting amendment of such form. If a form is not within the administering city agency’s authority to edit or amend, the report shall identify the law or court order that prohibits such amendment, whether there is any waiver that would permit amendment of such form, and, if so, any efforts made to obtain such a waiver. When [practicable, when] such forms are updated they shall request voluntary responses to questions about sexual orientation, including heterosexual, lesbian, gay, bisexual or asexual status, or other; gender identity, including transgender, cisgender and intersex status or other; and the gender pronoun or pronouns that an individual identifies with and that others should use when talking to or about that individual. All forms identified as [eligible for updating] within the administering city agency’s authority to edit or amend during the review required pursuant to this paragraph shall be updated to invite responses to questions about sexual orientation, gender identity and the gender pronoun or pronouns that an individual identifies with and that others should use when talking to or about that individual no later than five years from the effective date of the local law that added this subdivision. All forms not [eligible for updating] within the administering city agency’s authority to edit or amend shall be provided in conjunction with the standardized, anonymous and voluntary demographics information survey form as established by paragraph 1 of subdivision k of this section, provided that, if there is any waiver that would permit such form to be amended, the administering city agency shall apply for such waiver, and, if such wavier is granted, such form shall be updated to invite responses to questions about sexual orientation, gender identity and the gender pronoun or pronouns that an individual identifies with and that others should use when talking to or about that individual.

5. Beginning no later than 18 months after the effective date of the local law that added this subdivision, and annually thereafter, the office of operations, or the office or agency designated by the mayor, shall make available to the public data for the prior fiscal year that includes but is not limited to the total number of individuals who have identified their sexual orientation or gender identity on the survey form described in paragraph 1 of this subdivision and any forms updated pursuant to paragraph 4 of this subdivision, disaggregated by response option, agency and program. Such data shall be made available to the public through the single web portal provided for in section 23-502 of the administrative code.

6. Each agency that provides the survey form required pursuant to paragraph 1 of this subdivision shall evaluate its provision of services in consideration of the data collected pursuant to this local law and the office of operations shall submit to the council a report on any new or modified services developed by any agencies based on such data. Such report shall be submitted no earlier than 18 months after the effective date of the local law that added this paragraph.

7. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting students and families serviced by the New York city department of education. If any category requested contains between 1 and 5, or allows another category to be narrowed to between 1 and 5, the number shall be replaced with a symbol.

§ 2. This local law takes effect 90 days after becoming law.

NAB

LS #13766

3/26/20 3:30PM

Int. No. 2409

By Council Members Miller, Ulrich, Gibson, Riley, Cornegy, Powers, Vallone, Kallos, Koslowitz, Adams, Holden, Koo, Yeger, Brooks-Powers, Dromm, Rivera, Rosenthal, Moya and Cumbo

..Title

A Local Law to amend the administrative code of the city of New York, in relation to the cleaning and maintenance of city property

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-216 to read as follows:

§ 4-216 Cleaning and maintenance of city property. a. As used in this section, the following terms have the following meanings:

City property. The term “city property” means real property and physical structures owned by the city of New York including, but not limited to, roadways and sidewalks.

Cleaning. The term “cleaning” has its ordinary meaning and also includes weed removal, where appropriate, and snow removal when required for pedestrian and vehicular safety.

Park. The term “park” refers to public parks, beaches, waters, pools, boardwalks, playgrounds, recreation centers and all other property, buildings and facilities under the jurisdiction, charge or control of the department of parks and recreation.

Step street. The term “step street” means a city-owned staircase, whether mapped as a street or not, that leads from one sidewalk level to another.

b. The department of sanitation shall clean and maintain all center malls, traffic islands, triangles, medians, sitting areas, underpasses, overpasses, safety zones, step streets, throw-out areas at the end of dead-end streets and pedestrian walkways and other strips of city property adjacent to streets. This subdivision shall not be construed to conflict with or lessen the department of parks and recreation’s responsibility for maintaining trees and other forms of vegetation, pursuant to section 18-104.

c. The department of parks and recreation shall clean and maintain all areas and all city properties that are located entirely within the boundaries of any park except those properties located within the right-of-way of arterial highways which are the responsibility of the department of transportation. This subdivision shall not be construed to conflict with or lessen the department of sanitation’s responsibility for snow removal, pursuant to section 16-124.

d. The department of transportation shall clean and maintain all areas and all city properties that are located on or along arterial highways, except those portions which run through parks which are the responsibility of the department of parks and recreation, including those areas and city properties which are part of exits and entrances to an arterial highway extending outward from the roadway until they reach a fence or other barrier designed to limit access to the main road, the curb of a street, service road or other roadway which is not an arterial highway or a cliff or steep embankment which restricts passage beyond that point. This subdivision shall not be construed to conflict with or lessen the department of sanitation’s responsibility for snow removal, pursuant to section 16-124, or with the department of parks and recreation’s responsibility for maintaining trees and other forms of vegetation, pursuant to section 18-104.

e. Each department specified in subdivisions b, c or d of this section shall develop and maintain a web-based application on its respective website to track such department’s progress in cleaning and maintaining properties pursuant to such subdivisions b, c and d.

f. It shall be the responsibility of any agency or other governmental body having jurisdiction over any subway, railway or developed property to clean alongside such subway, railway or developed property. When cleaning of such areas or properties is not performed, the commissioner of sanitation shall order compliance as provided in subdivision c of section 753 of the charter.

g. Nothing in this section shall be construed as prohibiting or conflicting with any obligation pursuant to the highway law.

§ 2. This local law takes effect 120 days after it becomes law.

BV

LS #17432

8/5/21 at 4:00 PM

Int. No. 2429

By Council Members Yeger, Gjonaj, Miller, Borelli, Holden, Adams, Brannan, Salamanca, Grodenchik, D. Diaz, Feliz, Dinowitz, R. Diaz, Sr., Menchaca, Kallos, Maisel, Louis, Koslowitz, Eugene, Cabrera, Cornegy, Levine, Koo, Vallone, Ayala, Riley, Reynoso, Dromm and Matteo

..Title

A Local Law to amend the New York city charter, in relation to the budget of the campaign finance board

..Body

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 1052 of the New York city charter, as amended by a vote of the electors on November 3, 1998, is amended to read as follows:

c. The board shall, not later than [March] February tenth of each year, approve and submit to the mayor and council detailed itemized estimates of the financial needs of the campaign finance board for the ensuing fiscal year. Such estimates shall be comprised of at least one personal service unit of appropriation and at least one other than personal service unit of appropriation. [The mayor shall include such estimates in the executive budget without revision, but with such recommendations as the mayor may deem proper. Upon inclusion in the executive budget, the budget submitted by the campaign finance board shall be adopted pursuant to such provisions of chapter ten of this charter as are applicable to the operating budget of the council.]

§ 2. This local law takes effect immediately.

CJM

LS #15950

08/19/2020

Int. No. 2438

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

..Title

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to video voter guides

..Body

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, as amended by local law number 170 for the year 2016, are amended 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 limited to a printed voter guide and a video 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 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] two media formats, including but not limited to a printed voter guide and a video 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.

§ 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:

Section 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 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 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 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 table 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 but not 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 principles, platforms or views;

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 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 voter guide, provided that it is included with the mailing of such 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. Printed and video [V]voter guides shall be prepared in plain language using words with common and every day meanings.

d. The board shall promulgate such rules as it deems necessary for the preparation and publication of printed 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 board shall promulgate such rules as it deems necessary for the preparation and online publication of video voter guides in English, American Sign Language and each of the designated citywide languages as defined in section 23-1101, and to provide captions in each such language in such videos. 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. 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 video voter guide published by the board shall contain information on each candidate, including but not 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, a concise statement by each candidate of his or her principles, platforms or views, and a concise description by each candidate of such candidate’s physical attributes. The mayor’s office for people with disabilities shall establish guidance for best practices for candidates to fulfill the requirements of this subdivision.

f. 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, the mayor’s office for people with disabilities shall establish guidance for best practices for creating each printed voter guide and video voter guide for individuals with disabilities, including but not limited to individuals who are deaf or hard of hearing, and individuals who are blind or have low vision. The mayor’s office for people with disabilities shall continue to update such guidance as it deems necessary.

§ 3. Section 3-703 of the administrative code of the city of New York, as amended by local law number 188 for the year 2016, is amended by adding a new subdivision (p) to read as follows:

(p) fulfill the requirements of section 1053 of the charter.

§ 4. This local law takes effect 90 days after it becomes law.

JEF

LS #18009

10/6/2021

Int. No. 2453

By Council Members Lander and Yeger

..Title

A Local Law to amend the administrative code of the city of New York, in relation to increasing expenditure limits in response to independent expenditures exceeding certain thresholds

..Body

Be it enacted by the Council as follows:

Section 1. Section 3-706 of the administrative code of the city of New York is amended by adding a new subdivision 6 to read as follows:

6. (a) If the campaign finance board has determined that independent expenditures, as such term is defined in paragraph 15 of subdivision a of section 1052 of the charter, in a single covered election in the aggregate exceed half the applicable expenditure limit for any participating candidate or limited participating candidate in such election fixed by subdivision one of this section, then such expenditure limit applicable to such participating candidate and limited participating candidate in such election shall be increased to one hundred fifty percent of such limit.

(b) If the campaign finance board has determined that independent expenditures, as such term is defined in paragraph 15 of subdivision a of section 1052 of the charter, in a single covered election in the aggregate exceed three times the applicable expenditure limit for any participating candidate or limited participating candidate in such election fixed by subdivision one of this section, then such expenditure limit shall no longer apply to such participating candidate and limited participating candidate in such election.

§ 2. This local law takes effect January 1, 2021.

DFC

LS #2775

3/27/2020 9:13 a.m.

Int. No. 2459

By Council Member Feliz (by request of the Mayor)

..Title

A Local Law to amend the New York city charter in relation to establishing an office of information privacy

..Body

Be it enacted by the Council as follows:

Section 1. Subdivision h of section 8 of the New York city charter, as added by local law number 245 for the year 2017, is amended to read as follows:

h. The mayor shall [designate the head of] establish an office of information privacy. Such office may be established within the executive office of the mayor or as a separate office or within any [of such] other agency or office headed by a mayoral appointee as the mayor may determine. [to act as] Such office shall be headed by the city's chief privacy officer, who shall be appointed by the mayor or by the head of such other agency or office. For the purposes of this subdivision, identifying information has the same meaning as set forth in section 23-1201 of the administrative code. Consistent with the provisions of subdivision g of this section, such officer shall have the power and duty to:

1. promulgate, after receiving the recommendations of the committee established pursuant to section 23-1204 of the administrative code, policies, and protocols regarding the collection, retention, and disclosure of identifying information by agencies, contractors, and subcontractors, provided that particular policies and protocols may apply to all agencies, contractors, and subcontractors or to a subset thereof;

2. provide guidance and information to the city and every agency thereof on federal, state, and local laws, policies, and protocols related to the collection, retention, and disclosure of identifying information and direct agencies to make any changes necessary to achieve or maintain such compliance;

3. review, in collaboration with the committee established pursuant to section 23-1204 of the administrative code, agency identifying information reports submitted pursuant to section 23-1205 of the administrative code;

4. specify types of information, in addition to identifying information as defined in section 23-1201 of the administrative code, that shall be subject to protection by agencies, as required by such officer, based on the nature of such information and the circumstances of its collection or potential disclosure;

5. advise the mayor and senior city officials and provide guidance to city agencies on issues related to privacy, and on strategies, legislative proposals, and city and agency policies and best practices for advancing privacy protections;

6. establish citywide privacy policies, standards, and requirements, and modify or expand them as necessary to meet the evolving privacy protection needs of the city and its agencies;

7. issue guidance to support city agency compliance with privacy laws, policies, and privacy best practice standards and requirements;

8. advise city agencies on the privacy aspects of suspected and known incidents involving the unauthorized collection, access, acquisition, use, or disclosure of identifying information, as such term is defined in section 23-1201 of the administrative code, working together with the office of cyber command and the department of information technology and telecommunications and other city officials responsible for managing the technical aspects of the city’s incident investigation, response, and recovery processes;

9. in collaboration with the office of cyber command, department of information technology and telecommunications, the law department, relevant agency counsel, and other city agencies and officials as needed, advise on any necessary actions regarding identifying information in response to such actual and suspected incidents;

10. train or cause to be trained city employees and contractors on privacy laws, policies, and best practices;

11. advise city agencies on privacy strategies and required or appropriate privacy provisions for data sharing initiatives, and assist in the development of privacy policies and contract terms for data sharing agreements, in coordination with relevant agencies and the law department as appropriate; and

12. promulgate rules as necessary to carry out the powers and duties of the office.

All city agencies shall cooperate with the office so as to ensure the efficient performance of its duties.

§ 2. This local law takes effect immediately.

1. 558 U.S. 310 (2010). [↑](#footnote-ref-1)
2. *See* Tim Lau, *Citizens United Explained*, Brennan Center for Justice (December 12, 2019), <https://www.brennancenter.org/our-work/research-reports/citizens-united-explained>; Michael S. Kang, *The End of Campaign Finance Law*, 98 Va Law Rev 1, 2-14 (2012). [↑](#footnote-ref-2)
3. *See* Federal Elections Commission, Understanding Independent Expenditures, <https://www.fec.gov/help-candidates-and-committees/candidate-taking-receipts/understanding-independent-expenditures/> (last visited November 10, 2021); NYC Campaign Finance Board, Independent Expenditures Guide, <http://www.nyccfb.info/independent-expenditures/independent-expenditures-guide/> (last visited November 10, 2021). [↑](#footnote-ref-3)
4. *See* Brent Ferguson, *Candidates & Super PACs: The New Model in 2016*, Brennan Center for Justice (June 12, 2015), <https://www.brennancenter.org/our-work/research-reports/candidates-super-pacs-new-model-2016>. [↑](#footnote-ref-4)
5. *See, e.g.*, NY Election Law § 14-100(15). [↑](#footnote-ref-5)
6. Open Secrets, Super PACs, <https://www.opensecrets.org/political-action-committees-pacs/super-pacs/2020> (last visited October 29, 2021); *see also* Federal Elections Commission, Registering as a Super PAC, <https://www.fec.gov/help-candidates-and-committees/filing-pac-reports/registering-super-pac/> (last visited October 29, 2021). [↑](#footnote-ref-6)
7. *Id.* [↑](#footnote-ref-7)
8. *Id.*; *see* NY Election Law § 14-100(15), 14-107-a(1). [↑](#footnote-ref-8)
9. *See* Brennan Center for Justice, Influence of Big Money, <https://www.brennancenter.org/issues/reform-money-politics/influence-big-money> (last visited October 29, 2021) (“Super PACs allow billionaires to pour unlimited amounts into campaigns, drowning out the voices of ordinary Americans. . . . It’s no wonder that most people believe the super-wealthy have much more influence than the rest of us.”); [↑](#footnote-ref-9)
10. *See* Bradley *Jones, Most Americans Want to Limit Campaign Spending, Say Big Donors Have Greater Political Influence*, Pew Research Center (May 8, 2018), <https://www.pewresearch.org/fact-tank/2018/05/08/most-americans-want-to-limit-campaign-spending-say-big-donors-have-greater-political-influence/>; Nicholas Confessore and Megan Thee-Brenan, *Poll Shows Americans Favor an Overhaul of Campaign Financing*, NY Times (June 2, 2012), <https://www.nytimes.com/2015/06/03/us/politics/poll-shows-americans-favor-overhaul-of-campaign-financing.html> (describing NY Times / CBS News Poll, *Americans Views on Money in Politics*, NY Times (June 2, 2015), <https://www.nytimes.com/interactive/2015/06/02/us/politics/money-in-politics-poll.html>). [↑](#footnote-ref-10)
11. [↑](#footnote-ref-11)
12. *See* Kate Andrias & Benjamin I. Sachs, *Constructing Countervailing Power: Law and Organizing in an Era of Political Inequality*, 130 Yale LJ 546, 569-70 (2021) (describing such research). [↑](#footnote-ref-12)
13. Martin Gilens, Affluence and Influence: Economic Inequality and Political Power in America 81 (2012); *see also id*. [↑](#footnote-ref-13)
14. *Id.* [↑](#footnote-ref-14)
15. *See* Dana Rubinstein and Jeffery C. Mays, *Outside Money Floods Mayor’s Race, Raising Ethics Concerns*, NY Times (June 28, 2021), <https://www.nytimes.com/2021/04/15/nyregion/nyc-mayor-super-pacs.html> (noting that, prior to 2021, outside spending by super PACs was “a familiar theme in presidential races, but unheard of in a New York City mayoral contest”). [↑](#footnote-ref-15)
16. *See* Talib Visram, *Super PACs Poured $36 Million into NYC’s Recent Primary—Much of it Ineffectual*, Fast Company (July 16, 2021), <https://www.fastcompany.com/90656391/super-pacs-poured-36-million-into-nycs-recent-primary-much-of-it-ineffectual> (noting the unprecedented amount of spending by super PACs in Nashville, Tennessee’s 2015 mayoral race, and in “recent mayoral races in smaller cities, including Richmond, Virginia, and Syracuse, New York”); [↑](#footnote-ref-16)
17. *See id.* [↑](#footnote-ref-17)
18. David Cruz, *Super PACs Poured Millions Into The NYCPrimary. Whose PAC Got The Best Results?*, Gothamist (July 16, 2021), <https://gothamist.com/news/super-pacs-poured-millions-nyc-primary-whose-pac-showed-best-rate-return>. [↑](#footnote-ref-18)
19. *Id.* [↑](#footnote-ref-19)
20. The term “outside spending” refers to spending on independent expenditures. *See* Open Secrets, Outside Spending, <https://www.opensecrets.org/outsidespending/> (last visited November 10, 2021). [↑](#footnote-ref-20)
21. *See* Samar Khurshid, *Top Democratic Mayoral Campaigns Spent $69 Million on the Primary, Outside Groups Another $31 Million*, Gotham Gazette (July 20, 2021), <https://www.gothamgazette.com/city/10663-democratic-mayoral-campaigns-spent-69-million-on-primary>. [↑](#footnote-ref-21)
22. *Id.* [↑](#footnote-ref-22)
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24. *Id.* [↑](#footnote-ref-24)
25. *Id.* [↑](#footnote-ref-25)
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