



Legislation Details (With Text)

File #: Int 1272-2018 **Version:** A **Name:** Amending reporting and donor disclosure requirements for organizations affiliated with elected officials.

Type: Introduction **Status:** Enacted
In control: Committee on Standards and Ethics

On agenda: 11/28/2018

Enactment date: 8/23/2019 **Enactment #:** 2019/153

Title: A Local Law to amend the administrative code of the city of New York, in relation to amending reporting and donor disclosure requirements for organizations affiliated with elected officials

Sponsors: Barry S. Grodenchik, Mark Levine, Brad S. Lander, Justin L. Brannan, Andrew Cohen

Indexes: Agency Rule-making Required

Attachments: 1. Summary of Int. No. 1272, 2. Int. No. 1272, 3. November 28, 2018 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 11-28-2018, 5. Minutes of the Stated Meeting - November 28, 2018, 6. Committee Report 12/3/18, 7. Hearing Testimony 12/3/18, 8. Hearing Transcript 12/3/18, 9. Proposed Int. No. 1272-A - 7/23/19, 10. Committee Report 7/23/19, 11. Hearing Transcript 7/23/19, 12. July 23, 2019 - Stated Meeting Agenda with Links to Files, 13. Hearing Transcript - Stated Meeting 7-23-19, 14. Minutes of the Stated Meeting - July 23, 2019, 15. Int. No. 1272-A (FINAL), 16. Fiscal Impact Statement, 17. Legislative Documents - Letter to the Mayor, 18. Local Law 153

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------------------|-----------------------------|--------|
| 11/28/2018 | * | City Council | Introduced by Council | |
| 11/28/2018 | * | City Council | Referred to Comm by Council | |
| 12/3/2018 | * | Committee on Standards and Ethics | Hearing Held by Committee | |
| 12/3/2018 | * | Committee on Standards and Ethics | Laid Over by Committee | |
| 7/23/2019 | * | Committee on Standards and Ethics | Hearing Held by Committee | |
| 7/23/2019 | * | Committee on Standards and Ethics | Amendment Proposed by Comm | |
| 7/23/2019 | * | Committee on Standards and Ethics | Amended by Committee | |
| 7/23/2019 | A | Committee on Standards and Ethics | Approved by Committee | Pass |
| 7/23/2019 | A | City Council | Approved by Council | Pass |
| 7/23/2019 | A | City Council | Sent to Mayor by Council | |
| 8/23/2019 | A | Administration | City Charter Rule Adopted | |
| 8/27/2019 | A | City Council | Returned Unsigned by Mayor | |

Int. No. 1272-A

By Council Members Grodenchik, Levine, Lander, Brannan and Cohen

A Local Law to amend the administrative code of the city of New York, in relation to amending reporting and

donor disclosure requirements for organizations affiliated with elected officials

Be it enacted by the Council as follows:

Section 1. Section 3-902 of the administrative code of the city of New York, as amended by local law number 181 for the year 2016, is amended to read as follows:

§ 3-902 Reporting and donor disclosure for organizations affiliated with elected officials.

a. All organizations affiliated with an elected official that spend or reasonably expect to spend at least 10% of their expenditures in the current or next calendar year on the production or dissemination of elected official communications shall submit a report to the conflicts of interest board annually by August 1, in a manner determined by the conflicts of interest board by rule. Such report shall [include] list:

1. the name of the organization;
2. the name or names of the elected official, or of any agent of such a person or appointee serving at the pleasure of such elected official, who is affiliated with the organization;
3. the names of the principal officers and board members of the organization;
4. whether the organization has tax-exempt status pursuant to the internal revenue code and, if so, the section of such code that grants such status;
5. the website address of the organization, if any;
6. the names of any [people who such organization knows had business dealings with the city on the date of such donation, or who were added to the doing business database within 180 days after the receipt of such donation,] persons who made a donation to the organization during the previous calendar year, if any, who were persons with business dealings with the city on the date of such donation or became persons with business dealings with the city within 180 days of the receipt of such donation, and the city and state of residence, dates of donation, and value of donation of any such [people] persons;
7. the names of any other individuals who, or any entity that, made a donation or donations with [a] an aggregate reasonable value of \$1,000 or more to the organization during the previous calendar year, if any, and

the city and state of residence or state of incorporation as applicable, dates of donation, and value of donation of any such individuals or entities;

8. an accounting of the expenditures of the organization during the previous calendar year on the production or dissemination of elected official communications, in a manner and form determined by the conflicts of interest board; and

9. [for an organization affiliated with an elected official that did not spend or reasonably expect to spend at least 10% of their expenditures in the previous or current calendar year on elected official communications, a certification that they did not do so; and

10.] any other information required to be included by the conflicts of interest board.

b. All organizations affiliated with an elected official that did not spend or do not reasonably expect to spend at least 10% of their expenditures in the previous or current calendar year on the production or dissemination of elected official communications shall submit a report to the conflicts of interest board annually by August 1, in a manner determined by the conflicts of interest board by rule. Such report shall list:

1. the name of the organization;

2. the name or names of the elected official, or of any agent of such a person or appointee serving at the pleasure of such elected official, who is affiliated with the organization;

3. the names of the principal officers and board members of the organization;

4. whether the organization has tax-exempt status pursuant to the internal revenue code and, if so, the section of such code that grants such status;

5. the website address of the organization, if any;

6. except for donations covered by paragraph 7 of this subdivision, the names of any persons who, or any entities that, made a donation or donations with an aggregate reasonable value of \$5,000 or more to such organization during the previous calendar year, if any, and the city and state of residence or state of incorporation as applicable, dates of donation, and value of donation of any such persons or entities;

7. for any donation or donations with an aggregate reasonable value of \$5,000 or more made to such organization during the previous calendar year from a donor who does not wish to have their identity made public, the date or dates of donation and the amount of each such donation, provided that the name of any such donor, or any other identifying information, may be substituted with anonymizing language; and

8. a certification that the organization did not spend or does not reasonably expect to spend at least 10% of its expenditures in the previous or current calendar year on the production or dissemination of elected official communications.

c. The conflicts of interest board shall maintain and regularly update a list on its website, in a machine readable format that permits automated processing, of all organizations that reported, and all donor information disclosed, to such board pursuant to this section, provided however that the conflicts of interest board may determine that disclosure of donors shall not be made public if, based upon a review of the relevant facts presented by the reporting entity, such disclosure may cause harm, threats, harassment, or reprisals to the donor, or to individuals or property affiliated with the donor. The reporting entity may appeal the board's determination in New York [State] state supreme court pursuant to article 78 of the civil practice law and rules. The conflicts of interest board shall not post the names of donors that are the subject of such appeal pending a final judicial determination.

[c.] d. Donor written submissions received pursuant to section 3-903 shall be retained by the inquiring organization for at least three years from the date of receipt.

§ 2. This local law takes effect on January 1, 2019, provided that if this local law becomes law after January 1, 2019, it is retroactive to and deemed to have been in effect as of January 1, 2019.

MHL/BJR
LS #7453/7476
07/11/19 4:02PM