



Legislation Text

File #: Int 0952-2024, Version: *

Int. No. 952

By Council Members Restler and Brewer

A Local Law to amend the administrative code of the city of New York, in relation to the verification of intermediated contributions to candidates for election and contributions requiring contribution cards

Be it enacted by the Council as follows:

Section 1. Paragraphs (h) and (i) of subdivision 3 of section 3-702 of the administrative code of the city of New York, as amended by local law number 167 for the year 2016, are amended, and a new paragraph (j) is added to such subdivision, to read as follows:

(h) contributions from contributors subject to the limitations of subdivision one-a of section 3-703 of this chapter; [and]

(i) contributions for which any person subject to the limitations of subdivision one-a of section 3-703 of this chapter acted as an intermediary; and

(j) verification-required contributions that have not been verified as required under subdivision 11 of section 3-705.

§ 2. Section 3-702 of the administrative code of the city of New York is amended by adding a new subdivision 25 to read as follows:

25. The term "verification-required contribution" means one or more contributions from any one contributor to a candidate or their authorized committees where the aggregate of such contributions from such contributor for all covered elections to such candidate and their authorized committees in the same calendar year exceeds \$50 and either (i) the contributions were delivered or solicited by an intermediary or (ii) the contributions require a contribution card under paragraph (d) of subdivision 1 of section 3-703.

§ 3. Paragraph (d) of subdivision 1 of 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 to read as follows:

(d) obtain and furnish to the campaign finance board, and his or her principal committee or authorized committees must obtain and furnish to the board, any information it may request relating to his or her campaign expenditures or contributions and furnish such documentation and other proof of compliance with this chapter as may be requested by such board, provided, however, that the board shall accept such required documentation through an electronically scanned transmission. A candidate or a candidate's principal committee or authorized committee shall provide information pertaining to specific contributions, intermediaries, or possible intermediaries within 30 days of a request by the board. For contributions submitted in support of a claim for matching funds, the following records shall be maintained by a candidate and his or her principal or authorized committee:

(i) for a contribution by cash, a contribution card containing the contributor's name, telephone number or e-mail address, and residential address and the amount of the contribution;

(ii) for a contribution by money order, a copy of the money order, provided that a contribution card containing the contributor's name, telephone number or e-mail address, and residential address shall be required if such information is not printed upon such money order by the issuing institution;

(iii) for a contribution by check, a copy of the check, made out to the principal or authorized committee, provided that a contribution card containing the contributor's name, telephone number or e-mail address, and residential address from the contributor demonstrating an intent to contribute shall be required if such check is signed by a person other than the contributor;

(iv) for a contribution by credit card, text message contribution or other contribution from a payment account, a record from the merchant, processor or vendor containing the contributor's name, residential address, telephone number or e-mail address, the amount of the contribution and an indicator showing that the contribution was charged to the contributor's account and processed. For a contribution by text message, the

contributor's [phone] telephone number must [also] be included, as well as the name, residential address and [phone] telephone number of the registered user of the specific mobile device used to initiate the contribution, to the extent such information may be reasonably obtained under law;

(v) A contribution card shall not be required, except where specified, for contributions pursuant to subparagraphs (ii), (iii), and (iv) of this paragraph. Where a contribution card is required, such card may be completed by the candidate or his or her principal or authorized committee after the contribution has been made, provided that such card is dated, and signed or electronically affirmed by the contributor after such card has been completed by the candidate or his or her principal or authorized committee. Neither the candidate nor his or her principal or authorized committee shall alter or change a signed or affirmed contribution card;

§ 4. Section 3-705 of the administrative code of the city of New York is amended by adding a new subdivision 11 to read as follows:

11. (a) The board shall make reasonable efforts to verify directly with purported contributors that a verification-required contribution was made by the purported contributor and via the purported intermediary, if applicable. The board shall not provide matching funds until it has determined that the purported contributor did make the verification-required contribution, and via the purported intermediary, if applicable, and was not reimbursed for that contribution.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, for verification-required contributions the board may provide matching funds prior to verification if such contributions are reported less than ninety days before a covered general election, less than forty-five days before a covered primary election, or less than thirty days before any other covered election. For verification-required contributions that are matched prior to verification, the board shall make reasonable efforts to verify, as soon as practicable, that the purported contributor did make the verification-required contribution, and via the purported intermediary, if applicable, and was not reimbursed for that contribution.

§ 4. Section 3-711 of the administrative code of the city of New York is amended by adding a new

subdivision 5 to read as follows:

5. Any candidate or authorized committee that fails to provide information pertaining to specific contributions, intermediaries, or possible intermediaries within 30 days of a request by the board shall render the associated candidate's principal committee ineligible to receive public matching funds, and such candidate shall be listed on the board's website as ineligible to receive public matching funds.

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

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