

**November 26, 2019, Agenda – Open Meeting**

To: The Board

From: Julia H. Lee 

Date: October 11, 2019

Re: Proposed Board Rules § 4-05: Filing Deadlines for Candidates

Local Law No. 128 of 2019 amended New York City Administrative Code §§ 3-703 and 12-110, the Campaign Finance Act and the Annual Disclosure Law, respectively. One of the amendments to the Campaign Finance Act makes public funds available to participating candidates as early as December of the calendar year preceding the election year. Since the submission of an annual disclosure report is a requirement for any candidate seeking City elective office as well as a prerequisite for receiving matching public funds from the New York City Campaign Finance Board, the annual disclosure filing requirements were changed to address the earlier payment dates. Candidates seeking public funds for the December 15 and January 15 payment dates are now required to submit: (1) a partial annual disclosure report covering the first nine months of the year by November 1 and (2) a full report covering the entire calendar by January 30. Admin. Code § 12-110(b)(2)(a).

Proposed Board Rules § 4-05 sets out the annual disclosure filing deadlines for candidates who did not meet the November 1 filing deadline and are instead seeking funds for the first time on the subsequent payment dates of February 15, March 15, and April 15. The rule has been reviewed informally by Andrea Berger, Senior Counsel at the Law Department.

With the Board's approval, these proposed rules will be submitted to the City's Law Department and Mayor's Office of Operations, as required by the City Administrative Procedure Act. See Charter Section 1043(d).

Attached are the following:

- 1) Admin. Code §§ 3-703(m) and 12-110(b)(2)(a) (Exhibit 1); and
- 2) Draft Notice of Public Hearing (Exhibit 2).

**Admin. Code § 3-703(m)** has been amended to read as follows:

(ii) A participating candidate shall fulfill the requirements of section 12-110 of the administrative code to the satisfaction of the conflicts of interest board by the [last business day of July] twenty-fifth day after the last day for filing his or her designating or independent nominating petitions pursuant to the election law in the year of the covered election, or such other later date as the campaign finance board shall provide by rule, [except] provided that in a special election to fill a vacancy such deadline shall be established by campaign finance board rule, and further provided that a participating candidate seeking public funds for a December 15, January 15, February 15, March 15, or April 15 payment date shall file a report or reports as required by subparagraph (a) of paragraph 2 of subdivision b of section 12-110 and in order for such candidate to receive public funds on any such payment date the participating candidate shall fulfill the requirements of section 12-110 to the satisfaction of the conflicts of interest board by no less than three days prior to such payment date. A participating candidate that files a report covering the first nine months of the year preceding the year of the covered election shall not be eligible for further receipt of public funds after January 15 of the year of the covered election until a report covering the entire calendar year preceding the year of the covered election, as required by subparagraph (a) of paragraph 2 of subdivision b of section 12-110, has been made to the satisfaction of the conflicts of interest board and if such requirements are not satisfied then such participating candidate shall be liable for the repayment of any public funds received for such covered election.

**Admin. Code § 12-110(b)(2)(a)** has been amended to read as follows:

(a) Each person, other than any person described in paragraph one, who has declared his or her intention to seek a designation or nomination for election to an office described in paragraph one of this subdivision and who has filed papers or petitions for a designation or nomination for election, or on whose behalf a certification of nomination or designating or independent nominating petition has been filed which has not been declined, for an office described in paragraph one shall file such report within 25 days after the last day for filing his or her designating or independent nominating petitions pursuant to the election law, provided that the board shall establish by rule the dates, not to exceed 31 days prior to the relevant payment date, by which a person who intends to seek payment on the payment dates of February 15, March 15, or April 15 shall file such report, and further provided that a person who has declared his or her intention to seek a designation or nomination for election to an office described in paragraph one of this subdivision and who intends to seek a payment of public funds on December 15 in the year preceding a covered election or January 15 in the year of a covered election, pursuant to subdivision 4 of section 3-705, shall file a report no later than November 1 of the year preceding such covered election, with such report covering a period of the first nine months of the calendar year preceding such covered election. Any person filing a report covering the first nine months of a year preceding a covered election shall file a report for the entire calendar year preceding a covered election by January 30 in the year of such covered election.

1 **New York City Conflicts of Interest Board**

2  
3 **Notice of Public Hearing and Opportunity to Comment on Proposed Rules Regarding**  
4 **Procedural Rules for Enforcement Actions**

5  
6 **What are we proposing?** The Conflicts of Interest Board intends to propose Board Rules § 4-05  
7 setting out new filing deadlines for candidates seeking public funds from the New York City  
8 Campaign Finance Board.

9  
10 **When and where is the Hearing?** The Conflicts of Interest Board will hold a public hearing on  
11 the proposed rule. The public hearing will take place at [time] on [date]. The hearing will be at  
12 [location].

13  
14 This location has the following accessibility option(s) available: [ ]

15  
16 **How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- 17  
18 • **Website.** You can submit comments to the Conflicts of Interest Board through the NYC  
19 rules website at <http://rules.cityofnewyork.us>.  
20  
21 • **Email.** You can email comments to Julia H. Lee, Special Counsel at  
22 Rules@COIB.nyc.gov  
23  
24 • **Mail.** You can mail comments to Julia H. Lee, Special Counsel, Conflicts of Interest  
25 Board, 2 Lafayette Street, Suite #1010, New York, New York 10007.  
26  
27 • **Fax.** You can fax comments to the Conflicts of Interest Board at (212) 437-0705.  
28  
29 • **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the  
30 public hearing must sign up to speak. You can sign up before the hearing by calling (212)  
31 437-0730. You can also sign up in the hearing room before the hearing begins on [date].  
32 You can speak for up to three minutes.  
33

34 **Is there a deadline to submit comments?** Yes, you must submit written comments by [date].  
35

36 **Do you need assistance to participate in the hearing?** You must tell the Conflicts of Interest  
37 Board if you need a reasonable accommodation of a disability at the hearing. You must tell us if  
38 you need a sign language interpreter. You can tell us by mail at the address given above. You may  
39 also tell us by telephone at (212) 437-0730. You must tell us by [date].  
40

41 **Can I review the comments made on the proposed rules?** You can review the comments made  
42 online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days  
43 after the hearing, copies of all comments submitted online, copies of all written comments, and a  
44 summary of oral comments concerning the proposed rule will be available to the public at the  
45 Conflicts of Interest Board, 2 Lafayette Street, Suite #1010, New York, New York 10007.  
46

1 **What authorizes the Conflicts of Interest Board to make this rule?** Sections 1043 of the City  
2 Charter and New York City Administrative Code § 12-110(b)(2)(a) authorize the Conflicts of  
3 Interest Board to make this proposed rule. This proposed rule was not included in the Conflicts of  
4 Interest Board’s regulatory agenda for this Fiscal Year because the Administrative Code had not  
5 been amended when the Conflicts of Interest Board published the agenda.

6  
7 **Where can I find the Conflicts of Interest Board’s rules?** The Conflicts of Interest Board’s  
8 rules are in Title 53 of the Rules of the City of New York.

9  
10 **What rules govern the rulemaking process?** The Conflicts of Interest Board must meet the  
11 requirements of Section 1043 of the City Charter when creating or changing rules. This notice is  
12 made according to the requirements of Section 1043 of the City Charter.  
13

14 **Statement of Basis and Purpose of the Proposed Rule**

15 Local Law 128 of 2019 recently amended New York City Administrative Code §§ 3-703  
16 and 12-110, the Campaign Finance Act and the Annual Disclosure Law, respectively. One of the  
17 amendments to the Campaign Finance Act makes public funds available to candidates as early as  
18 December of the calendar year preceding the election year. As a result, the annual disclosure filing  
19 requirements, a prerequisite to receiving matching public funds from the New York City Campaign  
20 Finance Board, were changed to address the earlier payment dates. Both Administrative Code §  
21 3-703(m) and Administrative Code § 12-110(b)(2)(a) were amended to require candidates seeking  
22 public funds for the December 15 and January 15 payment dates to submit: (1) a partial annual  
23 disclosure report covering the first nine months of the year by November 1 and (2) a full report  
24 covering the entire calendar by January 30.

25 The proposed rule, to be codified as Board Rules § 4-05, would set out the annual disclosure  
26 filing deadlines for candidates who did not meet the November 1 filing deadline and will instead  
27 be seeking funds for the first time on the subsequent payment dates of February 15, March 15, and  
28 April 15.  
29

1 **Text of Proposed Board Rules**

2 New material is underlined

3 **§4-05. Filing Deadlines for Candidates Seeking Payment of Public Funds from the New York**  
4 **City Campaign Finance Board**

5  
6 For the purposes of Administrative Code §12-110(b)(2)(a), each person who has declared  
7 his or intention to seek a designation or nomination for election to an office and who is seeking  
8 payment of public funds for the first time in February, March, or April of the election year must  
9 submit an annual disclosure report with the Conflicts of Interest Board by the following deadlines:  
10 to be eligible for a first payment date of February 15, the annual disclosure report must be  
11 submitted by January 21; for the payment date of March 15, the annual disclosure report must be  
12 submitted by February 19; and for the payment date of April 15, the annual disclosure report must  
13 be submitted by March 21. If the final date to submit the annual disclosure report falls on a  
14 Saturday, Sunday, or public holiday, the deadline will be extended to the following business day.

