

BALLOT PROPOSITION ABSTRACTS

City Question # 1: Term Limits

The City Charter now sets three consecutive full terms as the maximum number that can be served by the Mayor, Comptroller, Public Advocate, borough presidents, and members of the City Council. This proposal would reduce the maximum number of consecutive terms that can be served by persons holding those offices from three to two. The proposal would also contain a new provision prohibiting the City Council from altering the maximum number of terms that can be served by any incumbent New York City elected official, thus making any alteration of term limits by the Council only applicable to future elected officials. The new law would affect City officials elected after the general election in November, 2010 so that current elected officials would remain subject to the present three-term limit.

City Question # 2 : Elections and Government Administration

Disclosure of Independent Campaign Expenditures. Currently, the Campaign Finance Board (CFB) has the power to require candidates for city office to comply with comprehensive reporting requirements, but does not have the power to require such reporting from individuals and entities making expenditures that are independent of any municipal candidate. The proposed change would require reporting from all individuals and entities making independent expenditures of \$1,000 or more to support or oppose a

municipal candidate or referendum. Additionally, it would require the CFB to require entities making independent expenditures of \$5,000 or more in support of or in opposition to a candidate in the 12 months preceding a city election to disclose the identity of any entity that contributed to the entity reporting the expenditure, and any individual who contributed \$1,000 or more to the entity reporting the expenditure in the 12 months preceding the covered election. In addition, the proposed change would require all advertising and other communications that support or oppose a candidate for city office, and are paid for by an individual or entity making independent expenditures in the amount of \$1,000 or more, to include the source of its funding. Both civil and criminal penalties would be available to punish noncompliance.

Ballot Access. This Charter amendment, which will in many instances reduce the number of signatures that candidates must collect in order to appear on the primary and general election ballots, is intended to make it easier for candidates to run for City elected offices.

Currently under state law, candidates for the offices of Mayor, Comptroller and Public Advocate may, under certain circumstances, be required to obtain 7,500 signatures to appear on either the primary ballot or, in the case of independent candidates, the general election ballot. Similarly, candidates for Borough President may, under certain circumstances, be required to obtain 4,000 signatures to appear on either ballot, and candidates for City Council may be required to obtain 900 signatures to appear on the primary ballot or 2,700 to appear as an independent candidate in the general election.

This Charter amendment would reduce the number of required signatures to no more than 3,750 for citywide office, 2,000 for borough-wide office, and 450 for City

Council members for both primary and general election ballots. Consistent with current law, in no event would a candidate be required to collect a number of signatures exceeding five percent of the voters enrolled in the party holding the primary or, in the case of an independent candidate's petition to appear on the general election ballot, five percent of the total votes cast for Governor in the last election for Governor.

Voter Assistance and Campaign Finance Board. The Voter Assistance Commission (VAC), which is charged with encouraging voter registration and voting, is now a separate entity in the Charter that appoints a Voter Assistance Coordinator on the Mayor's recommendation. Of the 16 Commissioners, six are appointed by the Council, three by the Mayor, and seven are officials who serve in their official capacities. This amendment would reconstitute VAC as a nine member Voter Assistance Advisory Committee, with two members from different political parties appointed by the Mayor, two members from different political parties appointed by the Council, and one member appointed by the Borough Presidents acting together. The Public Advocate and the Executive Director of the Board of Elections would serve *ex officio*. The Chair would be appointed by the Mayor in consultation with the Speaker of the City Council. Voter assistance functions would generally be transferred to the Campaign Finance Board (CFB), which would appoint the Voter Assistance Coordinator. Finally, the commencement date of terms of new members of the CFB would be changed from April 1 to December 1.

Conflicts of Interests Law. The Charter currently charges the Conflicts of Interest Board (COIB) with providing training for public servants. This amendment would require that every public servant receive training, either in person or electronically,

within 60 days of appointment and periodically thereafter. It also requires agencies to develop training plans in consultation with COIB. In addition, the amendment would raise the maximum fine for a public servant who violates the City's conflicts of interest laws from \$10,000 to \$25,000 and would authorize the recovery of any benefits that result from such violations.

City Administrative Tribunals. Currently, many city agencies conduct adjudications concerning violations of city laws and regulations and other matters. The Office of Administrative Trials and Hearings (OATH) already exists to conduct adjudications for agencies in many circumstances, but there are also tribunals that conduct specific types of adjudications in some agencies. This amendment would permit the Mayor, through executive order, to order the consolidation of City tribunals and/or categories of adjudications, when appropriate, into OATH. A committee of mayoral appointees would make recommendations to the Mayor concerning potential transfers into OATH, after obtaining public input, including holding a hearing. The Chief Administrative Law Judge of OATH could prescribe different qualifications, in place of the five-year terms that would otherwise apply, for those administrative law judges who handle matters newly transferred to OATH. Finally, the amendment would extend the adjudicatory authority of the Department of Consumer Affairs, which currently encompasses only violations by licensees of that agency, to all violations of the laws it enforces.

City Reporting Requirements and Advisory Bodies. Currently, the City's local laws require agencies to produce a large number of periodic reports on various aspects of their programs. There are also a significant number of advisory bodies required by local

law that have no decision-making power. The requirements for these reports and bodies often go on indefinitely.

This Charter amendment would create a commission empowered to review the requirements for reports and advisory bodies for continued usefulness, and recommend their waiver where it determines that they are no longer of sufficient value. The commission would be made up of four mayoral appointees from key mayoral agencies and three representatives of the City Council, including the Speaker. Before recommending such waiver, the Commission would obtain input from parties who are likely to be interested in the requirement under review. Any Commission decision to waive a requirement would go to the City Council for its review. The City Council could either approve or deny the waiver, and the Mayor in turn could disapprove a Council denial, subject to Council override by a two-thirds vote. Certain key Charter requirements relating to the Mayor's Management Report and the city budget, and any requirements that are less than three years old, could not be waived using this process.

Map for Facility Siting. Under current law, each year the City shall make public a map, with explanatory text, to be used in siting City facilities. The map shows the location and current use of all city-owned real property, any commitments the City has made for the future use of its real property, and the location of health and social services facilities operated by or on behalf of New York State or the federal government. The proposed amendment would add to the map the locations of any transportation or waste management facilities operated by or on behalf of any governmental entity, as well as by private entities that provide comparable services.