

On December 14, 2017, the New York City Campaign Finance Board is scheduled to meet and consider adopting final rules regarding timing of public funds payments. Below is the current draft of the final language for those rules, as of December 11, 2017.

IN COMPLIANCE WITH SECTION 1043 OF THE NEW YORK CITY CHARTER, and exercising authority vested in the Campaign Finance Board (the “Board”) under Chapters 45 and 46 of the New York City Charter (including Sections 1043, 1052(a)(8) and 1052(a)(12) thereof) and under the New York City Campaign Finance Act (the “Act”) (including Section 3-708(8) of the New York City Administrative Code), the Board hereby adopts amendments to the Campaign Finance Board Rules related to timing of public funds payments.

I. Explanation, Basis, and Purpose

The Board Rules are codified in Chapter 52 of the Rules Compilation of the City of New York.

On December 14, 2017, the Board voted to adopt a set of rules in order to conform to Local Law No. 168 for the year 2016, which takes effect on January 1, 2018.

Previously, the first public funds payment for a primary election was issued after the Board of Elections concluded its hearings on petition challenges. Pursuant to Local Law No. 168, a limited early payment may be issued four business days after the final day to file a certification for that election.

The following rules will take effect thirty days after final publication in The City Record:

II. Final Rules

New material is underlined.
[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of the Board, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. A new definition in section 1-02 of chapter 1 of title 52 of the rules of the city of New York is added, in alphabetical order, as follows:

“Optional early public funds payment” means the disbursement of optional public financing occurring prior to two weeks after the last day to file designating petitions for a primary election.

§ 2. Subdivision a of section 2-07 of chapter 2 of title 52 of the rules of the city of New York is amended to read as follows:

(a) Public funds eligibility. [A] To be eligible for public funds, a participant must qualify to be on the ballot, and be opposed on the ballot, [to be eligible for public funds] or, for the optional early public funds payment, certify that he or she intends to meet all the requirements of law to have his or her name on the ballot for the primary or general election.

§ 3. Subparagraph ii of paragraph 2 of subdivision a of section 5-01 of chapter 5 of title 52 of the rules of the city of New York is amended to read as follows:

(ii) Participants seeking additional public funds pursuant to §3-705(7)(b) of the Code must file a signed statement with the Board pursuant to §3-705(7)(b) no later than the due date for the disclosure statement immediately preceding the public funds payment for which the participant is seeking to receive the additional public funds; provided, however, that participants seeking to receive the additional public funds on the first date payments are made by the Board [for a primary election] after the optional early public funds payment, must file the signed statement with the Board no later than the day before the first date the Board of Elections conducts hearings on any ballot petition filed by any candidate seeking nomination for election in any primary occurring in the same election cycle for which the candidate is seeking nomination for election, without regard to whether such hearings are related to a petition filed by an opponent of the participant.

§ 4. Paragraphs 1 and 2 of subdivision i of section 5-01 of chapter 5 of title 52 of the rules of the city of New York are amended to read as follows:

(1) Pursuant to §§ 3-709(5) and (6) of the Code: (i) no public funds shall be paid to participants in a primary or general election any earlier than [two weeks after the last day to file designating petitions for such primary election] four business days after the final day to file a written certification for such election pursuant to paragraph (c) of subdivision 1 of section 3-703 of the Code; (ii) no public funds shall be paid to participants in a runoff primary election or general election any earlier than the day after the day of the primary election held to nominate candidates for such election; and (iii) no public funds shall be paid to participants in a runoff special election held to fill a vacancy any earlier than the day after the day of the special election for which such runoff special election is held.

(2) Pursuant to §3-703(1)(a) and (5) of the Code, public funds are not payable to a participant who has not met the legal requirements to have his or her name on the ballot, [or] who is unopposed, or, for the optional early public funds payment, who has not certified that he or she intends to meet all the requirements of law to have his or her name on the ballot. [To enable the Board to ascertain whether a candidate has met the legal requirements to be on the ballot and is opposed, the Board shall first make payments in an election after the Board of Elections conducts hearings on the ballot petitions filed in that election except if the Board determines that delays in Board of Elections proceedings or determinations warrant first making payments earlier.]