S T A T E O F N E W Y O R K

3556

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PERRY -- Multi-Sponsored by -- M. of A. ESPAILLAT, GREENE -- read once and referred to the Committee on Election Law

AN ACT to amend the administrative code of the city of New York, in relation to fair competition for publicly financed candidates by establishing the Bloomberg waiver

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subparagraph (iii) of paragraph (a) of subdivision 1 of section 3-718 of the administrative code of the city of New York, as separately added by local law numbers 58, 59 and 60 of the city of New York for the year 2004, is amended to read as follows:

(iii) (A) file a written certification in such form as may be prescribed by the campaign finance board, which sets forth his or her acceptance of and agreement to comply with the terms and conditions of this section and the rules promulgated hereby, which includes an affirmation that the candidate has a sufficient amount of personal funds to fund his or her campaign; [and]

(B) THAT THE CAMPAIGN FINANCE BOARD SHALL PROPOSE TO SUCH CANDIDATE A VOLUNTARY PERSONAL FUNDS SPENDING LIMIT OF NOT MORE THAN ONE HUNDRED TWENTY-FIVE PERCENT OF SUCH CAMPAIGN FINANCE BOARD'S RECOMMENDED EXPENDITURE LIMIT OF THE ELECTED OFFICE CONTESTED; PROVIDED, HOWEVER, THAT IF SUCH LIMIT IS DECLINED BY SUCH CANDIDATE, A BLOOMBERG WAIVER OF THE EXISTING LIMITATIONS ON AN OPPOSING, PUBLICLY FUNDED CANDIDATE'S ABILITY TO RAISE AND EXPEND PRIVATE FUNDS MAY BE GRANTED BY THE CAMPAIGN FINANCE BOARD UPON APPLICATION, IN A MANNER DETERMINED BY SUCH BOARD, AND UPON A SHOWING OF SUBSTANTIAL FINANCIAL DISADVANTAGE DEMONSTRATED BY THE DISPARITY IN PERSONAL FUNDS AVAILABLE; PROVIDED, HOWEVER, THAT ONCE SUCH WAIVER IS GRANTED, THE FINANCIALLY DISADVANTAGED CANDIDATE MAY NOT EXPEND A GREATER AMOUNT THAN THE AMOUNT EXPENDED BY THE PERSONALLY FUNDED OPPONENT AS REPORTED TO THE STATE BOARD OF ELECTIONS; EXCEPT THAT THE LIMITATIONS ON MATCHING FUNDS SHALL NOT BE MODIFIED; AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(C) the deadline for filing such certification for a primary, general, or special election shall be the deadline date for filing written certifications pursuant to PARAGRAPH (C) OF SUBDIVISION ONE OF section [3-703(1)(c)] 3-703 by candidates seeking nomination for election or election to the same office in the same calendar year as candidates seeking to file a certification pursuant to this subparagraph, and the provisions of PARAGRAPH (C) OF SUBDIVISION ONE OF [such] section [3-703(1)(c)] 3-703 relating to the occurrence of an "extraordinary circumstance" shall apply to limited participating candidates; and

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to elections occurring on or after such effective date.