§ 14-207. Composition, powers, and duties of the public campaign finance board. 1. There shall be a public campaign finance board within the state board of elections that shall be comprised of the following commissioners: the four state board of elections commissioners and three additional commissioners, one jointly appointed by the legislative leaders of one major political party in each house of the legislature, one jointly appointed by the legislative leaders of the other major political party in each house of the legislature, and one of whom shall be appointed by the governor. Each commissioner must be a New York state resident and registered voter, and may not currently be, or within the previous five years have been, an officer of a political party or political committee as defined in the election law, or a registered lobbyist. The chair of the PCFB shall be designated by the PCFB from among the three additional commissioners. Each of the three additional commissioners shall receive a per diem of three hundred fifty dollars for work actually performed not to exceed twenty-five thousand dollars in any one calendar year. They shall be considered public officers for purposes of sections seventy-three-a and seventy-four of the public officers law. The three commissioners so appointed pursuant to this recommendation will be appointed for a term of five years to commence on July first, two thousand twenty and may be removed by their appointing authority solely for substantial neglect of duty, gross misconduct in office, inability to discharge the power or duties of office, after written notice and opportunity to be heard. During the period of their term as a commissioner appointed hereunder, each such commissioner is barred from making, or soliciting from other persons, any contributions to candidates for election to the offices of governor and lieutenant governor, attorney general, comptroller, member of the assembly, or state senator. Any vacancy occurring on the PCFB shall be filled within thirty days of its occurrence in the same manner as the member whose vacancy is being filled was appointed. A person appointed to fill a vacancy occurring other than by expiration of a term of office shall be appointed for the unexpired term of the member they succeed. Four members of the PCFB shall constitute a quorum, and the PCFB shall have the power to act by majority vote of the total number of members of the commission without vacancy. All members of the PCFB shall be appointed no later than the first day of July, two thousand twenty and the PCFB

shall promulgate such regulations as are needed no later than the first day of July, two thousand twenty-one.

2. The PCFB and state board of elections may utilize existing state board of elections staff and hire such other staff as are necessary to carry out its duties. It may expand its staffing, as needed, to provide additional candidate liaisons to assist candidates in complying with the terms of this public campaign finance system as provided for in these recommendations, as well as auditors, trainers, attorneys, technical staff and other such staff as the PCFB determines is necessary to administer this system. Annually, on or before the first of every year, the PCFB shall submit to the governor and the division of the budget a request for appropriations for the next state fiscal year to fully support the administration of the public campaign finance program established in this title.

3. The PCFB shall develop a program for informing candidates and the public as to the purpose and effect of the provisions of this title, including by means of a webpage. The PCFB shall prepare in plain language and make available educational materials, including compliance manuals and summaries and explanations of the purposes and provisions of this title. The PCFB shall provide compliance counseling and guidance to candidates seeking to participate in public financing as provided for in this title, as well as to such candidates who participate. The PCFB shall prepare or have prepared and make available materials, including, to the extent feasible, computer software, to facilitate the task of compliance with the disclosure and record keeping requirements of this title.

3-a. The PCFB shall develop and administer in person and online training for individuals to become certified as compliance officers under this title. Such training shall include information concerning compliance with the rules of the public campaign finance program, disclosure and record keeping requirements, obligations of the program, and other relevant information as determined by the PCFB. The PCFB shall promulgate regulations for the certification of compliance officers pursuant to this subdivision and shall publish a list of certified

compliance officers on its website which shall be updated every thirty days.

4. The PCFB shall have the authority to promulgate such rules and regulations and provide such forms as it deems necessary for the administration of this title.

5. The PCFB shall provide an interactive, searchable computer database that shall contain all information necessary for the proper administration of this title, including information on contributions to and expenditures by candidates and their authorized committees, independent expenditures in support or opposition of candidates for covered offices, and distributions of moneys from the fund. Such database shall be accessible to the public on the PCFB's webpage.

6. Any advice provided by PCFB staff to a participating or non participating candidate with regard to an action shall be presumptive evidence that such action, if taken in reliance on such advice, should not be subject to a penalty or repayment obligation where such candidate or such candidate's committee has confirmed such advice in writing to such PCFB staff by registered or certified mail to the correct address, or by electronic or facsimile transmission with evidence of receipt, describing the action to be taken pursuant to the advice given and the PCFB or its staff has not responded to such written confirmation within seven business days disavowing or altering such advice, provided that the PCFB's response shall be by registered or certified mail to the correct address, or by electronic or facsimile transmission with evidence of receipt.

7. The PCFB and its proceedings shall be subject to articles six and seven of the public officers law.

8. Notwithstanding any other provision of law including, but not limited to, subdivision one of section 3-104 of this chapter, the PCFB shall have sole authority to investigate all referrals and complaints relating to the administration of the program established hereunder and violations of any of its provisions, and it shall have sole authority to

administer the program established in this title and to enforce such provisions of this program except as otherwise provided in this title.

9. The PCFB may take such other actions as are necessary and proper to carry out the purposes of this recommendation.