

**NEW YORK CITY VOTER ASSISTANCE COMMISSION**

Notice of Opportunity to Comment on Proposed Rules  
Pursuant to Sections 1043 and 1055 of the New York City  
Charter

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Coordinator of Voter Assistance by sections 1043 and 1055 of the New York City Charter that the Coordinator of Voter Assistance intends to amend title 71 of the Rules of the City of New York (RCNY), by adding a new chapter 2 of title 71 of the RCNY.

Written comments regarding these proposed rules may be sent to Onida Coward Mayers, Executive Director, NYC Voter Assistance Commission, 100 Gold Street, Second Floor, New York, New York 11221, on or before June 30, 2005. A public hearing on the proposed rule amendments will be held on July 1, 2005, from 2:00 PM to 4:00 PM, at 110 William Street, Fourth Floor, Conference Room EDC, New York, New York 10038. Persons seeking to testify are requested to notify Bibi Yusuf at 100 Gold Street, Second Floor, New York, New York 11221. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Bibi Yusuf at 100 Gold Street, Second Floor, New York, New York 11221, by June 15, 2005. Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 AM and 5:00 PM at 100 Gold Street, Second Floor, New York, New York 11221.

## **STATEMENT OF BASIS AND PURPOSE**

Pursuant to sections 1043 and 1055 of the City Charter the Coordinator of Voter Assistance hereby proposes to amend title 71 of the Rules of the City of New York (RCNY) by adding a new chapter 2 of title 71 of the RCNY, entitled “Video Voter Guide.”

The proposed addition of chapter 2 of title 71 of the RCNY is to establish the Video Voter Guide program, to clarify the requirements for participation, and to establish the methods of production and cablecasting of the Video Voter Guide.

## CHAPTER 2

### Video Voter Guide

§ 2-01 Video Voter Guide Generally. The Video Voter Guide is a nonpartisan program to provide New York City voters enhanced access to information about candidates seeking to represent them. The service leverages the production and distribution capabilities of the City of New York’s must-carry PEG channels to share this information via cable television and the internet. Participation in the Video Voter Guide program is voluntary. The program will allow candidates in municipal elections seeking one of the following five offices to record messages for cablecast on NYC TV Channel 74: Mayor, Public Advocate, Comptroller, Borough President, and City Council Member. The Coordinator of Voter Assistance (“Coordinator”) shall administer this program for the benefit of voters citywide. The Coordinator also shall work with the NYC Media Group and NYC TV, a division of the New York City Department of Information Technology and Telecommunications, in implementing this program

§ 2-02 Definitions. As used in this chapter:

Candidate. “Candidate” means an individual who seeks nomination or election to the office of Mayor, Public Advocate, Comptroller, Borough President or City Council Member, to be voted for at a primary or general election.

Official Ballot. “Official Ballot” means an official ballot as defined in New York Election Law Article 1.

§ 2-03 General Information. In addition to any information that the Coordinator determines to be useful for promoting civic participation, public awareness of the voting process and the functions of each office and the Video Voter Guide itself, the Video Voter Guide for an election shall provide the following information: (1) the date of the election; (2) the hours during which the polls are open; and (3) maps outlining the geographical boundaries of each office. The Coordinator shall also take steps as he or she deems appropriate to publicize and disseminate the program.

§ 2-04 Candidate Eligibility and Participation.

(a) All candidates who have filed a valid designating or nominating petition with the Board of Elections, or who can otherwise demonstrate that they will lawfully appear on the official primary or general election ballot, shall be eligible to register to participate in the Video Voter Guide. Challenges to designating or nominating petitions shall not affect a candidate’s opportunity to videotape a statement. However, statements made by candidates who are removed from the official ballot prior to program cablecast will not be aired.

(b) Participation in the Video Voter Guide is voluntary. There is no fee or charge for participating in the Video Voter Guide. To participate in the Video Voter Guide, eligible candidates shall:

\_\_\_\_\_ (1) complete a certification form agreeing to comply with these rules and any other rules or procedures set forth in writing by the Coordinator;

\_\_\_\_\_ (2) designate a Video Voter Guide liaison who shall be the only person with whom the Coordinator shall communicate for the scheduling of taping appointments and any other purposes; and

\_\_\_\_\_ (3) have one videotaping appointment of no more than thirty minutes in the NYC Media Group studio, during which candidates shall record their messages for cablecast, in accordance with the parameters as set forth in these rules.

(c) Taping of candidate statements shall take place at times between 11 A.M and 2 P.M. and 3 PM and 8 P.M., such that the last appointment shall be for 7:30 P.M., on weekdays designated by the Coordinator for such tapings, beginning at least one month preceding the primary election.

(d) Taping of candidate statements for independent nomination candidates not participating in a primary election shall take place at times between 11 A.M and 2 P.M. and 3 PM and 8 P.M., such that the last appointment shall be for 7:30 P.M., on weekdays designated by the Coordinator for such tapings in the month preceding the general election.

(e) Candidates may register to participate in the Video Voter Guide at any time between the date of their submission of a designating or nominating petition to the Board of Elections, or the date that they qualify to lawfully appear on the official primary or general election ballot, and the first day of videotaping designated by the Coordinator; however, scheduling of videotaping sessions shall be done on a rolling basis.

(f) If a candidate fails to register by the first day of videotaping, he or she may attempt to register during the period designated for videotaping of candidate statements by completing the requirements in paragraphs (1) and (2) of subdivision (b) of this section, and by contacting the Coordinator to attempt to schedule an appointment for videotaping pursuant to section 2-05 of this chapter. The Coordinator shall make every reasonable effort, but is not required, to schedule an appointment for such late candidates provided, however, that priority shall be given to those candidates who are added to the ballot after the recording period has commenced.

**§ 2-05 Scheduling Appointments for Videotaping.**

(a) To schedule an appointment, a candidate's designated liaison must contact the Coordinator by telephone. Once an agreeable date is found, the Coordinator shall send a reservation notice to the liaison. The notice must be signed and returned to the

Coordinator within forty-eight (48) hours of receipt. An appointment time is only considered reserved once the Coordinator is in possession of a signed notice. These notices may be faxed, hand-delivered or emailed with a PDF attachment.

(b) If a candidate wishes to cancel an appointment, the candidate's designated liaison must e-mail or fax a request to the Coordinator at least twenty-four (24) hours prior to the scheduled appointment. The Coordinator shall call the liaison and make every reasonable effort to reschedule the appointment. The candidate shall have no more than one opportunity to reschedule his or her appointment and candidates who fail to appear at their scheduled time shall waive their participation in the program.

(c) Candidate statements shall be videotaped at the NYC Media Group Studios located at 112 Tillary Street in Brooklyn, New York, or such other location as may be designated by the Coordinator.

### **§ 2-06 NYC Media Group and NYC TV.**

NYC Media Group and NYC TV shall provide video production and cablecasting for the Video Voter Guide.

### **§ 2-07 Taping Protocol.**

(a) Each candidate shall have no more than thirty (30) minutes for taping his or her message. This time allotment is inclusive of any necessary set-up, rehearsal and taping time. Candidates should arrive no later than fifteen (15) minutes prior to their scheduled recording time. The candidate, or a liaison, will be expected to review the tapes on-site after the recording session for the purposes of choosing a taped statement for cablecast. In the event of technical difficulties on the part of NYC TV, the Coordinator may, at his or her discretion, extend the thirty minute time limit to ensure fairness. Candidates are encouraged to rehearse prior to their appointments to ensure proper timing.

(b) Only candidates shall be videotaped. Proxy speakers are not permitted to either speak or appear on camera.

(c) Each candidate shall be given no more than two opportunities to record a statement during that thirty minute session.

(1) Candidates shall be videotaped while appearing in front of and speaking directly to a studio camera.

(2) Candidates may hold written notes, but may not display any literature, graphs or props.

(3) If a candidate wishes to use a teleprompter, the candidate must arrive at least thirty (30) minutes prior to his or her scheduled taping with an electronic file of

his or her statement for uploading into the teleprompter. Candidates will be encouraged but not obliged to e-mail their statements to the Coordinator twenty-four (24) hours prior to their scheduled taping. The Coordinator shall inform candidates in advance of the required electronic format for such file at the time of scheduling of the appointment for videotaping. If the file cannot be uploaded promptly, or if a candidate does not arrive in sufficient time for uploading to occur, the teleprompter shall not be available for use.

(4) Statements shall be made continuously and unedited. Neither NYC TV nor a candidate shall edit a videotaped statement in any way, except by adding lower-third information and adjusting the audio and video levels for on-air delivery. Candidates who exceed their allotted statement time, as set forth in section 2-08 of this chapter, will be cut off at the time limit, and their statements will be aired as incomplete followed by a written statement on-screen, stating "Candidate Time Expired."

(c) Candidates will be shown a printed copy of their lower-third information as it will appear on the screen that will identify, in English, each candidate by name and party affiliation. This information will be supplied upon registration in the Video Voter Guide Program. This document, referred to as the Graphic Affidavit, or GA, must be signed by the candidate or his or her liaison; a signature on a GA will certify that the graphic information has been proofread and accepted by the candidate and the information is correct and valid. No adjustments can be made to this information once a lower-third receipt is signed. NYC Media Group will also create an over-the-shoulder graphic to be displayed during candidate statements, showing the office sought and a map depicting its geographic boundaries. For City Council candidates, the number of the district which the candidate seeks to represent will also be shown.

(d) If a candidate makes two recordings of his or her statement, the candidate or his or her liaison shall, immediately following completion of the recording session, select one of the recordings for cablecast on NYC TV. There will not be an opportunity for candidates or their liaisons to view the videotapes prior to selecting the recording for the cablecast.

(e) Candidates are prohibited from viewing the statements of opposing candidates prior to the cablecast.

(f) Candidates will be allowed to sit on a stool/chair or stand while recording their statements. Special accommodations for candidates with special needs will be made at the sole discretion of the Coordinator.

(g) No special consideration shall be given to any incumbent candidate. No official insignia, pins or on-screen messages of any kind will be permitted.

(h) Candidate interaction with NYC Media Group and NYC TV is limited to videotaping and production in the presence of the Coordinator or a monitor designated by the Coordinator.

**§ 2-08 Candidate Statements.**

(a) The length of candidate statements is as follows:

\_\_\_\_\_ (1) candidates for citywide office (Mayor, Comptroller, Public Advocate) may make a statement of no more than four (4) minutes in duration;

\_\_\_\_\_ (2) candidates for Borough President may make a statement of no more than three (3) minutes in duration; and

\_\_\_\_\_ (3) candidates for City Council Member may make a statement of no more than two (2) minutes in duration.

(b) No exceptions shall be made to the candidate statement time limitations listed in subdivision (a) of this section.

(c) Candidates participating in the voluntary Video Voter Guide program may record any message, provided that they shall not:

\_\_\_\_\_ (1) refer to any other person by name;

\_\_\_\_\_ (2) use any visual aids (i.e. campaign buttons, posters, charts, graphs);

\_\_\_\_\_ (3) wear clothing or insignias indicating that a candidate holds a public office;

\_\_\_\_\_ (4) make statements that are profane, obscene, libelous, slanderous, or defamatory;

\_\_\_\_\_ (5) engage in any commercial programming or advertising;

\_\_\_\_\_ (6) display any obscene material or pornography;

\_\_\_\_\_ (7) engage in the unauthorized use of copyrighted material or invasion of privacy; or

\_\_\_\_\_ (8) violate any city, state or federal law, including regulations of the New York State Public Service Commission and the Federal Communications Commission.

(d) Candidates may dress as they choose subject to the provisions of subdivision (c) of this section, and shall be responsible for their own clothing, make-up and hairdressing.

(e) Candidates may record statements in the language of their choice, provided, however, that all candidates, no matter the language in which a statement is recorded, shall, prior to their taping, provide a written English-language transcript of their entire

statement, and, if any foreign language is spoken on the videotape, a written transcript in the language of the statements made, at the time of their scheduled taping appointment. Such transcripts of videotaped statements shall promptly be made available to the public upon request including in all applicable Voting Rights Act languages.

**§ 2-09 Cablecast Guidelines.**

(a) NYC Media Group shall cablecast statements on NYC TV Channel 74. Content shall be simulcast via streaming media on [www.nyc.gov/tv](http://www.nyc.gov/tv), and shall be accessible thereafter.

(1) Beginning at 8 P.M. on each weekday evening of the week immediately preceding both the primary and the general elections, NYC Media Group shall cablecast statements from all candidates for city elective office.

(2) At 9 A.M. on each day of the week immediately preceding both the primary and the general elections, beginning on the day following the first evening cablecast, the previous evening's cablecast shall be re-cablecast.

(i) The order of candidate statements cablecast each day of the week immediately preceding the elections shall rotate each evening so that each borough shall have one evening and one morning in which the statements of candidates for office in that borough are cablecast first. The order for borough cablecast shall be designated by a random lottery to be conducted by the Coordinator.

(ii) The order of candidate statements within each borough cablecast shall be as follows:

(A) candidates shall appear in alphabetical order within the City Council district they seek to represent, and City Council districts shall appear in numerical order by district;

(B) candidates for Borough President shall appear alphabetically.

(iii) Any City Council district falling geographically within more than one borough shall appear in the cablecast for each borough in which the district is located.

(iv) Statements from candidates for citywide office shall appear between the statements from each borough's candidates for Borough President and the statements from the subsequent borough's candidates for City Council Member.

(A) Candidates for citywide office shall appear alphabetically by office in the following order:

\_\_\_\_\_ (i) Mayor;

\_\_\_\_\_ (ii) Public Advocate; and

\_\_\_\_\_ (iii) Comptroller

\_\_\_\_\_ (3) Following the 9 A.M. repeat broadcast of the final borough, NYC Media Group shall cablecast statements from all candidates for city elective office on a continuous loop through election day. Consistent with broadcast during the daytime hours of the weekdays in the week prior to the election, candidates will be broadcast by borough, in the order in which the boroughs appeared during the week.

\_\_\_\_\_ (b) In primary election races for which more than one party is holding a primary election, each party's candidates shall appear, as a block, in the order in which the parties will appear on the general election ballot. Candidates shall appear alphabetically within their party's block.

\_\_\_\_\_ (c) Candidates in all other elections shall appear alphabetically, grouped by office sought.

**§ 2-10 Conflict Resolution and Finality of Coordinator of Voter Assistance Decisions.**

\_\_\_\_\_ (a) Any conflicts related to the videotaping and/or cablecasting of candidate statements will be decided by the Coordinator or a monitor designated by the Coordinator.

\_\_\_\_\_ (b) All decisions with respect to the Video Voter Guide, including resolution of conflicts, made by the Coordinator or his or her designee are final.