

**February 4, 2020, Agenda – Open Meeting Matter**  
**November 26, 2019, Agenda – Open Meeting Matter**

To: The Board

From: Julia H. Lee 

Date: January 14, 2020

Re: Proposed Board Rules § 4-05: Filing Deadlines for Candidates

As directed by the Board at the November 2019 meeting (Exhibit 1), Staff submitted the proposed Board Rules § 4-05 to the New York City Law Department and Mayor's Office of Operations, as required by the City Administrative Procedure Act. See Charter Section 1043(d). During the course of the review, minor stylistic edits were made to the text of the rule and the Statement of Basis and Purpose. Notably, there is a sentence referring to the use of the terms "shall" and "must," the inclusion of which is required in the Statement of Basis and Purpose for all proposed rules according to the Law Department and the Mayor's Office of Operations. These changes are not substantive and are reflected in the tracked changes shown in Exhibit 2. The rule returns to the Board with these minor edits. With the Board's approval, Staff will notice the rule for a public hearing and opportunity to comment. See City Charter § 1043(b).

Attached are the following:

1. Minutes of the November 26, 2019, Open Meeting (Exhibit 1);
2. Proposed Notice of Public Hearing, with changes tracked (Exhibit 2); and
3. Proposed Notice of Public Hearing, with certifications from the Law Department and Mayor's Office of Operations (Exhibit 3).

## **Minutes of the Open Meeting of the New York City Conflicts of Interest Board**

**Date:** November 26, 2019

**Location:** Conflicts of Interest Board, 2 Lafayette Street, Suite 1010, New York, New York

**Present:**

Board Members: Chair Richard Briffault and Members Fernando A. Bohorquez, Jr., Anthony Crowell, Jeffrey D. Friedlander, and Erika Thomas.

Board Staff: Ethan Carrier, Chad Gholizadeh, Ana Gross, Christopher Hammer, Gavin Kendall, Julia Lee, Carolyn Miller, Katherine Miller, Ari Mulgay, Yasong Niu, Jeffrey Tremblay, Michele Weinstat, Clare Wiseman, and Juliya Ziskina.

Guests: None

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The meeting was called to order by the Chair at approximately 9:37 a.m. The Chair stated that the meeting was being conducted pursuant to the New York State Open Meetings Law and designated the undersigned as the Recording Secretary for purposes of the meeting.

The Chair stated that the meeting was called to discuss proposed amendments to Board Rules § 4-05, §1-13(e), and Chapter 3.

**Board Rules § 4-05:**

After a brief introduction, the Chair asked for any comments by the Board or Staff.

There were no comments. Upon motion duly made and seconded, the Board unanimously voted to approve the proposed amendments as the final rule.

**Board Rules § 1-13(e):**

After a brief introduction, the Chair asked for any comments by the Board or Staff.

There were no comments. Upon motion duly made and seconded, the Board unanimously voted to approve the proposed amendments as the final rule.

**Board Rules Chapter 3:**

After a brief introduction, the Chair asked for any comments by the Board or Staff.

There were no comments. Upon motion duly made and seconded, the Board unanimously voted to approve the proposed amendments as the final rule.

The open meeting was adjourned at approximately 9:46 a.m.

Respectfully submitted,

Julia Lee  
Recording Secretary

**EXHIBIT 1**

## New York City Conflicts of Interest Board

### Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** The Conflicts of Interest Board ~~intends to propose~~proposes ~~Board to amend its rules to provide for Rules § 4-05 setting out new filing deadlines for candidates seeking public funds from the New York City Campaign Finance Board pursuant to Local Law 128 of 2019.~~

**When and where is the Hearing?** The Conflicts of Interest Board will hold a public hearing on ~~the~~ proposed rule. The public hearing will take place at [time] on [date]. The hearing will be at [location].

This location has the following accessibility option(s) available: [            ]

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Conflicts of Interest Board through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to Julia H. Lee, Special Counsel at [Rules@COIB.nyc.gov](mailto:Rules@COIB.nyc.gov).
- **Mail.** You can mail comments to Julia H. Lee, Special Counsel, Conflicts of Interest Board, 2 Lafayette Street, Suite #1010, New York, New York 10007.
- **Fax.** You can fax comments to the Conflicts of Interest Board at (212) 437-0705.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling (212) 437-0730. You can also sign up in the hearing room before the hearing begins on [date]. You can speak for up to three minutes.

**Is there a deadline to submit comments?** Yes, you must submit written comments by [date].

**Do you need assistance to participate in the hearing?** You must tell the Conflicts of Interest Board if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (212) 437-0730. You must tell us by [date].

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public at the Conflicts of Interest Board, 2 Lafayette Street, Suite #1010, New York, New York 10007.

**What authorizes the Conflicts of Interest Board to make this rule?** Sections 1043 of the City Charter and New York City Administrative Code § 12-110(b)(2)(a) authorize the Conflicts of Interest Board to make this proposed rule. This proposed rule was not included in the Conflicts of Interest Board's regulatory agenda for this Fiscal Year because the Conflicts of Interest Board was granted authority to promulgate this proposed rule the Administrative Code had not been amended when the after Conflicts of Interest Board published the its regulatory agenda was published.

**Where can I find the Conflicts of Interest Board's rules?** The Conflicts of Interest Board's rules are in Title 53 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Conflicts of Interest Board must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

### **Statement of Basis and Purpose of the Proposed Rule**

Local Law 128 of 2019 recently amended New York City Administrative Code §§ 3-703 and 12-110, the Campaign Finance Act and the Annual Disclosure Law, respectively. One of the amendments to the Campaign Finance Act makes public funds available to candidates as early as December of the calendar year preceding the election year. As a result, the annual disclosure filing requirements, which are a prerequisite to receiving matching public funds from the New York City Campaign Finance Board, were changed to address the earlier payment dates. Both Administrative Code § 3-703(m) and Administrative Code § 12-110(b)(2)(a) were amended to require candidates seeking public funds for the December 15 and January 15 payment dates to submit: (1) a partial annual disclosure report covering the first nine months of the year by November 1 and (2) a full report covering the entire calendar by January 30.

~~The This proposed rule, to be codified as Board Rules § 4-05, would establish set out the~~ annual disclosure filing deadlines for candidates who did not meet the earlier deadline of November 1 filing deadline for payment dates of December 15 and January 15 and will instead be seeking funds for the first time on the subsequent payment dates of February 15, March 15, and April 15.

New material is underlined

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

### **Text of Proposed Board Rules**

~~New material is underlined~~Section 1. Title 53 of the Rules of the City of New York is amended by adding a new section 4-05 to read as follows:

§4-05. Filing Deadlines for Candidates Seeking Payment of Public Funds from the New York City Campaign Finance Board.

For the purposes of Pursuant to Administrative Code §12-110(b)(2)(a), each person who has declared his or her intention to seek a designation or nomination for election to an office and who is seeking payment of public funds for the first time in February, March, or April of the election year must submit an annual disclosure report with the Conflicts of Interest Board by the following deadlines: to be eligible for a first the payment date of February 15, the annual disclosure report must be submitted by January 21; for the payment date of March 15, the annual disclosure report must be submitted by February 19; and for the payment date of April 15, the annual disclosure report must be submitted by March 21. If the final date to submit the annual disclosure report falls on a Saturday, Sunday, or public holiday, the deadline will be extended to the following business day.

## New York City Conflicts of Interest Board

### Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** The Conflicts of Interest Board proposes to amend its rules to provide for new filing deadlines for candidates seeking public funds from the New York City Campaign Finance Board pursuant to Local Law 128 of 2019.

**When and where is the Hearing?** The Conflicts of Interest Board will hold a public hearing on the proposed rule. The public hearing will take place at [time] on [date]. The hearing will be at [location].

This location has the following accessibility option(s) available: [                    ]

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

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**Is there a deadline to submit comments?** Yes, you must submit written comments by [date].

**Do you need assistance to participate in the hearing?** You must tell the Conflicts of Interest Board if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (212) 437-0730. You must tell us by [date].

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public at the Conflicts of Interest Board, 2 Lafayette Street, Suite #1010, New York, New York 10007.

**What authorizes the Conflicts of Interest Board to make this rule?** Section 1043 of the City Charter and New York City Administrative Code § 12-110(b)(2)(a) authorize the Conflicts of Interest Board to make this proposed rule. This proposed rule was not included in the Conflicts of Interest Board's regulatory agenda for this Fiscal Year because the Conflicts of Interest Board was granted authority to promulgate this proposed rule after its regulatory agenda was published.

**Where can I find the Conflicts of Interest Board's rules?** The Conflicts of Interest Board's rules are in Title 53 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Conflicts of Interest Board must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

### **Statement of Basis and Purpose of the Proposed Rule**

Local Law 128 of 2019 amended New York City Administrative Code §§ 3-703 and 12-110, the Campaign Finance Act and the Annual Disclosure Law, respectively. One of the amendments to the Campaign Finance Act makes public funds available to candidates as early as December of the calendar year preceding the election year. As a result, the annual disclosure filing requirements, which are a prerequisite to receiving matching public funds from the New York City Campaign Finance Board, were changed to address the earlier payment dates. Both Administrative Code § 3-703(m) and Administrative Code § 12-110(b)(2)(a) were amended to require candidates seeking public funds for the December 15 and January 15 payment dates to submit: (1) a partial annual disclosure report covering the first nine months of the year by November 1 and (2) a full report covering the entire calendar by January 30.

This proposed rule would establish the annual disclosure filing deadlines for candidates who did not meet the earlier deadline of November 1 for payment dates of December 15 and January 15 and will instead be seeking funds for the first time on the subsequent payment dates of February 15, March 15, and April 15.

New material is underlined

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Title 53 of the Rules of the City of New York is amended by adding a new section 4-05 to read as follows:

§4-05. Filing Deadlines for Candidates Seeking Payment of Public Funds from the New York City Campaign Finance Board.

Pursuant to Administrative Code §12-110(b)(2)(a), each person who has declared his or her intention to seek a designation or nomination for election to an office and who is seeking payment of public funds for the first time in February, March, or April of the election year must submit an

annual disclosure report with the Conflicts of Interest Board by the following deadlines: for the payment date of February 15, the annual disclosure report must be submitted by January 21; for the payment date of March 15, the annual disclosure report must be submitted by February 19; and for the payment date of April 15, the annual disclosure report must be submitted by March 21. If the final date to submit the annual disclosure report falls on a Saturday, Sunday, or public holiday, the deadline will be extended to the following business day.



**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE:** Filing Deadlines for Candidates Seeking Public Funding under the New York Campaign Finance Act

**REFERENCE NUMBER:** COIB - 13

**RULEMAKING AGENCY:** Conflicts of Interest Board

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Rebecca Blatt  
Mayor's Office of Operations

January 8, 2020  
Date

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Filing Deadlines for Candidates Seeking Public Funding under the New York Campaign Finance Act

**REFERENCE NUMBER:** 2019 RG 103

**RULEMAKING AGENCY:** Conflicts of Interest Board

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: January 7, 2020

**EXHIBIT 3**