

New York City Conflicts of Interest Board

Comments on Campaign Finance Board's Proposed Rule Amending Subdivision a of Section 3-11 of Chapter 3 of Title 52 of the Rules of the City of New York

Julia Davis

Director of Annual Disclosure and Special Counsel
September 14, 2016

The New York City Conflicts of Interest Board ("COIB") hereby submits the following comments on the Campaign Finance Board's ("CFB") Proposed Rule Amending Subdivision a of Section 3-11 of Chapter 3 of Title 52 of the Rules of the City of New York ("Proposed Rule").

Candidates for public office are required to file an annual disclosure report with the Conflicts of Interest Board pursuant to New York City Administrative Code Section 12-110(b)(2). Candidates participating in CFB's matching funds program currently must submit to CFB a certificate of compliance obtained from COIB to prove compliance with their filing obligations. (*See* Administrative Code Section 3-703 (1)(m)(i).) Obtaining such a certificate costs the candidate time and effort, as well as creating additional, and possibly unnecessary, work for COIB staff.

To alleviate this burden and to streamline the process to verify a candidate's compliance with filing obligations, CFB has proposed a rule that would permit CFB to obtain confirmation of participating candidates' compliance with their filing requirements directly from COIB. This change would render obsolete the present need for candidates to serve as a messenger transporting a hard copy document from COIB to CFB.

COIB applauds CFB's efforts to streamline the procedure to ensure that candidates that have complied with their filing obligations. However, COIB remains unclear how CFB's proposed rule achieves that goal. New York City Administrative Code Section 3-703 (1)(m)(i) requires that COIB "provide a participating candidate with a receipt indicating proof of compliance with section 12-110 of the administrative code of the city of New York ." Accordingly, without any change to this administrative code, COIB might be required to both confirm the compliance of participating candidates directly to CFB **and** provide a certificate of compliance to those candidates who request it.

COIB endorses permitting direct confirmation to CFB that a participating candidate is in compliance with filing requirements, but remains concerned that the Proposed Rule will create two different, and possibly overlapping, methods to verify a candidate's compliance that will increase COIB's responsibilities rather than streamline them.

Thank you for the opportunity to comment on this proposed rule.