

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2016**

---

**No. 169**

---

Introduced by Council Members Kallos, Dickens and Rodriguez.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to increasing the minimum amount of money raised to participate in the first official campaign finance board debate for local offices**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 1 of section 3-709.5 of the administrative code of the city of New York is amended to read as follows:

(a) In any year in which a primary, general or special election is to be held, any participating candidate and any limited participating candidate for nomination or election to a city-wide office shall participate in either of the two pre-election debates, or both, held pursuant to this section for which he or she is eligible and is required to debate pursuant to this section. A participating candidate or limited participating candidate for nomination or election to a city-wide office is eligible to participate in a debate for each election in which he or she is on the ballot if he or she has met such criteria for participation as *specified in this section, and as shall be further specified in any agreement between the debate sponsor and the board.*

(b) In any year in which a run-off primary or run-off special election to fill a vacancy for a city-wide office is held, any participating candidate and any limited participating candidate for nomination or election to such city-wide office who is on the ballot shall participate in one run-off election debate. *If, seven days prior to the date of the run-off election debate, the New York city*

*board of elections has not yet approved a finalized run-off ballot, the participating and limited participating candidates with the two highest vote counts in the primary or special election immediately preceding the run-off election, as determined by the New York city board of elections unofficial election results, shall participate in one run-off election debate. If any additional candidate is separated from the candidate with the second highest vote count by one percent or less of all votes cast in the special or primary election immediately preceding the run-off election, as determined by the New York city board of elections unofficial election results, then such candidate shall also participate in such run-off election debate. If the New York city board of elections determines prior to the run-off debate that a run-off election will not take place, the debate sponsors and the board shall cancel the run-off election debate.*

(c) In the case of a primary *election*, the debate shall be among participating candidates and limited participating candidates seeking the nomination of the same political party who meet the requirements provided in paragraph (a) of this subdivision. If there is no contested primary *election* for an office in a political party then no debate for that party's nomination shall be held pursuant to this section.

(d) Each debate held pursuant to this section shall be at least one hour's duration.

§ 2. Subdivision 4 of section 3-709.5 of the administrative code of the city of New York is amended to read as follows:

4. Organizations which are not affiliated with any political party or with any holder of or candidate for public office, which have not endorsed any candidate in the pending primary, special, general, or run-off election for the city-wide office shall be eligible to sponsor one or more of the required debates. The rules for conducting such debates, *and the date, time and location of such debates*, shall be solely the responsibility of the organizations selected but shall not be made

final without consultation with the campaign finance board. [The organizations selected shall be responsible for choosing the date, time and location of the debates.]

§ 3. Subdivision 5 of section 3-709.5 of the administrative code of the city of New York is amended to read as follows:

5. Written applications by organizations to sponsor a debate shall be submitted to the campaign finance board on a form provided by the board not later than a date chosen by the board in any year in which an election is held for city-wide offices.

(a) The written application shall:

(i) demonstrate that the organization and any proposed co-sponsor meet the criteria of subdivision four of this section;

(ii) specify [the election] *any elections* and [office] *offices* for which the organization seeks to sponsor [the debate] *debates*;

(iii) set forth [the date] *proposed dates*, [time] *times*, [duration] *durations*, and [location] *locations* of the [debate] *debates* and the specific and exclusive circumstances under which the [date] *dates* or [time] *times* may be changed, together with a provision for when the rescheduled [debate] *debates* would be held;

(iv) provide a detailed description of the format and ground rules for the [debate] *debates*;

(v) verify that the staging, promotion, and coverage of the [debate] *debates* shall be in conformance with all applicable laws;

(vi) include an agreement to indemnify the city, *including the board*, for any liability arising from the acts or omissions of the sponsor; [and]

(vii) set forth plans for publicity and for broadcast and other media coverage for the [debate] *debates*; and

(viii) set forth the *proposed* criteria for determining which candidates are eligible to participate in each debate the organization seeks to sponsor, in accordance with paragraph (b) of this subdivision.

(b) (i) Except as otherwise provided in subparagraph (ii) below, each debate for a primary, general or special election shall include only those participating candidates or limited participating candidates the sponsor of each such debate has determined meet the non-partisan, objective, and non-discriminatory criteria set forth in any agreement between the sponsor and the board; provided, however, that the criteria for the first debate for a primary, general, or special election shall [provide, among other criteria, (A)] *include financial criteria requiring* that a participating candidate *or limited participating candidate* shall be eligible to participate in such debate if he or she has, by the last filing date prior to such debate, (I) [spent, contracted, or obligated to spend] *raised*, and (II) [received in contributions] *spent*, an amount equal to or more than [twenty percent of the threshold for eligibility for public funding applicable to participating candidates contained in subdivision two of section 3-703, and (B) that a limited participating candidate shall be eligible to participate in such debate if he or she has, by the last filing date prior to such debate, spent, contracted, or obligated to spend, an amount equal to or more than twenty percent of the threshold for eligibility for public funding applicable to participating candidates seeking the office for which such debate is being held contained in subdivision two of section 3-703; provided, however, that for the purpose of determining whether a candidate has met the financial criteria to be eligible to participate in such debate, only contributions raised and spent in compliance with the act shall be used to determine whether the candidate has raised and spent twenty percent of the threshold for eligibility for public funding applicable to participating candidates contained in subdivision two of section 3-703] *two and one half percent of the expenditure limitation provided in subdivision one*

*of section 3-706 for the office for which such candidate seeks nomination for election or election;* provided, further, that the second debate for a primary, general, or special election shall include only those participating candidates or limited participating candidates who the [sponsor has] *sponsors have* also determined are leading contenders on the basis of additional non-partisan, objective, and non-discriminatory criteria set forth in any agreement between the sponsor and the board. *For the purpose of determining whether a participating candidate or limited participating candidate has met the financial criteria to be eligible to participate in any debate, only contributions raised and spent in compliance with the act shall be used to determine whether the candidate has raised and spent two point five percent of the expenditure limit provided in subdivision one of section 3-706; further, money “raised” and “spent” does not include outstanding liabilities or loans.* Nothing in this provision is intended to limit the debates to the two major political parties.

(ii) If a debate sponsor has determined that a non-participating candidate has met all the non-partisan, objective, and non-discriminatory criteria applicable to participating candidates [or] *and* limited participating candidates for access to any of the primary, general, or special election debates, the sponsor may invite that candidate to participate in such debate. In the case of a run-off primary election or a run-off special election, the sponsor may invite a non-participating candidate to participate in such debate. However, if a non-participating candidate does not accept such invitation to debate or does not appear at such debate, the debate shall go forward as scheduled; provided, however, if there is only one participating candidate or limited participating candidate participating in any such debate, such debate shall be canceled.

§ 4. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 15, 2016 and approved by the Mayor on December 22, 2016.

ALISA FUENTES, Acting City Clerk, Acting Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 169 of 2016, Council Int. No. 987-A of 2015) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel