

NEW YORK CITY CAMPAIGN FINANCE BOARD

NOTICE OF PUBLIC HEARING

Subject: Opportunity to Comment on Proposed Amendments to Campaign Finance Board rules related to contributions, loans, and expenditures, and the Board's Voter Guide.

Date / Time: April 5, 2013, 2:00-3:00 p.m.

Location: Campaign Finance Board
40 Rector Street
7th Floor Conference Room
New York, NY 10006

Contact: Sue Ellen Dodell
212-306-7114; sdodell@nyccfb.info

Proposed Rule Amendment

In compliance with Section 1043 of the New York City Charter, and exercising authority vested in the Campaign Finance Board (the "Board") under Chapter 46 of the New York City Charter (including Sections 1052(a)(8) and 1052(a)(12) thereof) and under the New York City Campaign Finance Act (the "Act") (including Section 3-708(8) of the New York City Administrative Code), the Board proposes amendments to the Campaign Finance Board rules related to contributions, loans, and expenditures, and the Board's Voter Guide.

Instructions

- You may send written comments regarding the proposed rules to the Executive Director of the Campaign Finance Board, 40 Rector Street, 7th Floor, New York, or electronically through the [NYC Rules](http://www.nyc.gov/nycrules) website at <http://www.nyc.gov/nycrules>, no later than April 5, 2013.
- If you want to testify please notify the General Counsel of the Campaign Finance Board at the foregoing address by close of business on April 4, 2013.
- Written comments and a transcript of the hearing will be available for public inspection, within a reasonable time after receipt, at the offices of the Campaign Finance Board on weekdays between 9:00 a.m. and 5:00 p.m.

I. Explanation, Basis, and Purpose

The Board is proposing amendments to the Board Rules in compliance with Section 1043 of the New York City Charter and under the authority vested in the Board under Chapter 46 of the New York City Charter and under the Act (including Section 3-708(8) of the New York City Administrative Code).

These proposed amendments would:

- Clarify the method by which contributions, loans, and expenditures are calculated for purposes of daily pre-election disclosure requirements;
- Require that political contributions in excess of \$99 made from a candidate's personal funds be reported to the Board as campaign expenditures;
- Remove the "bonus" provisions, which provided additional public funds to candidates whose opponents spent in excess of a certain threshold;
- Establish the procedures and requirements regarding the video edition of the Board's Voter Guide;
- Clarify the procedures and requirements regarding the print edition of the Board's Voter Guide; and
- Repeal chapter 2 of Title 71 of the Rules of the City of New York, which governs the production of the video edition of the Voter Guide by the now-defunct Voter Assistance Commission, which was reconstituted within the Board as the Voter Assistance Advisory Committee.

Expenditure Limit Relief [Section 1-08(e)]

The Board proposes to move expenditure limit relief provisions from Board Rules 5-01 to a new subdivision 1-08(e), with minor, non-substantive changes made to the text. The expenditure limit relief provisions increase the spending limit for candidates participating in the Campaign Finance Program ("participating candidates") opposed by non-participants who have raised or spent more than half the applicable expenditure limit. If a non-participant raises or spends more than three times the expenditure limit, limits on opponents participating in this program will be eliminated entirely. These provisions reduce the burden imposed by the Campaign Finance Program's expenditure limits on participants whose opponents are not bound by such limits. The provisions are being moved because the remainder of Board Rule 5-01(a)(5) is being repealed.

Daily Disclosures During Two Weeks Preceding the Election [Section 3-02(e)]

During the two weeks preceding an election, candidates must report contributions, loans, or expenditures above a certain amount to the Board within 24 hours in a daily disclosure. After a review of its procedures, the Board determined that it was necessary to resolve potential ambiguities regarding how dollar amounts are calculated for the purpose of this rule. Therefore, this Rule is amended to clarify that 1) contributions and loans received

from a single source, and 2) expenditures made to a single recipient, will be aggregated for purposes of determining whether a daily disclosure must be made.

Contributions to Political Committees [Section 3-03(e)(5)]

This Rule codifies Final Board Determinations 2009-1 and 2012-1, stating that political contributions in excess of \$99 made with a candidate's personal funds are considered campaign expenditures by that candidate, and must be reported as such.

Bonus Determinations [Section 5-01(a)(5)]

Board Rule 5-01(a)(5) is repealed. Board Rules 5-01(a)(5)(iii) and (vi), which provided for the granting of additional public funds to participating candidates whose opponents had received or spent above a certain threshold, are deleted pursuant to *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*, 131 S. Ct. 2806 (2011), in which the Supreme Court held that granting additional funds to a candidate based on the spending of his or her opponent violated the opponent's First Amendment rights.

Board Rules 5-01(a)(5)(i), (ii), (iv), and (v) are re-titled "Expenditure Limit Relief" and moved to new Board Rules 1-08(e)(i) and (ii).

Definitions Related to Voter Guide [Section 10-01]

The changes in this section and sections 10-02 and 10-03 to the rules governing the print and video editions to the Voter Guide are proposed pursuant to the 2010 Charter revision, under which the Voter Assistance Commission (VAC) was reconstituted within the Board as the Voter Assistance Advisory Committee (VAAC). Consequently, the Board's mandate expanded to include efforts aimed at facilitating voter education and participation, including the publication of the video edition of the Voter Guide.

In this Rule, the definition of "candidate voter guide statement" is amended to become "candidate print statement" and a new definition "candidate video statement" is added as part of the new set of rules governing the video edition of the Voter Guide. The definition of "registered candidate" is added to clarify whose statements would be included in the Voter Guide. The current definitions of the terms "ballot proposal" and "election" are amended for purposes of clarification.

Contents of the Voter Guide [Section 10-02]

The proposed amendments clarify the provisions relating to the printed Voter Guide, and add new provisions concerning the online Voter Guide and candidate video statements. The printed and online Voter Guides for an election will contain any information that the Board determines to be useful for promoting public awareness of the voting process, City government, and the candidates and ballot proposals in an election. This will facilitate voter education and participation, as mandated by the 2010 Charter revision.

Both the print and video statements submitted by candidates are subject to certain restrictions in order to be included in the Voter Guides. For example, candidates may not use profanity or knowingly make false statements, nor may they wear buttons, pins, or distinctive uniforms. A script for each candidate's video statement must be reviewed by the Board in advance of the candidate's scheduled recording session in order to determine that the script complies with the rules. The restrictions ensure that the Voter Guides contain only information that serves the overall purpose of facilitating voter education and participation. The aesthetic restrictions are primarily for logistical purposes, to maximize the quality of the photographs and videos published as part of the Voter Guide.

Candidate print and video statements will be included in the Voter Guide only for registered candidates who satisfy the requirements set forth by the Board. If a candidate in the general election was included in the primary election Voter Guide, that candidate's primary election statement will be included, without modification or addition, in the general election Voter Guide.

The print and online editions of the Voter Guide for a general election in which a City ballot proposal is anticipated to appear on the ballot will contain information regarding the ballot proposal. The Board will also include information about State ballot proposals in Voter Guides for a covered office or a City ballot proposal.

Voter Guide Publication and Distribution [Section 10-03]

The amendments clarify the provisions of the current rule relating to the printed Voter Guide, and add new provisions concerning the online Voter Guide and candidate video statements. The purpose of the rules regarding publication and distribution is to ensure that the Voter Guide is made as widely available as possible, in order to maximize the amount of information received by voters, including those not fluent in English.

The Board will produce an online Voter Guide in English and make the translated versions of the printed editions available online. The Board will post online the scripts provided for candidate video statements, along with translations of those scripts into Spanish and such other languages as may be required by law.

Conflicts related to the submission or public release of candidate print or video statements will be decided by the Board's Executive Director or his or her designee, and all decisions with respect to any edition of the Voter Guide are final.

The Board retains ownership of, and distribution rights to, all Voter Guide content, including candidate statements. Unedited candidate statements may be republished or broadcast with the Board's permission.

Rules of the City of New York, Title 71, Sections 2-01 – 2-10

These rules, which governed VAC's production and distribution of its Video Voter Guide, are repealed, and their substance is largely incorporated into Chapter 10 of the Board

Rules. This change ensures that all rules related to the Voter Guide are located in one place and are within the scope of the Board’s control, as provided by the 2010 Charter revision.

II. Proposed Rules

New matter is underlined. Deleted matter is shown in [brackets].

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

Section 1. Subdivision (e) of section 1-08 of chapter 1 of title 52 of the rules of the city of New York is amended to read as follows:

(e) [Reserved.] Expenditure limit relief.

(i) Pursuant to §3-706(3)(a) of the Code, where the Board has determined that a non-participating candidate has spent or contracted or has obligated to spend, or received in loans or contributions, or both, an amount which, in the aggregate, exceeds half the applicable expenditure limit as stated in §3-706(1)(a) of the Code, then the expenditure limit applicable to participating candidates and limited participating candidates in the election for that office will be increased to one hundred fifty percent of the expenditure limit.

(ii) Pursuant to §3-706(3)(b) of the Code, where the Board has determined that a non-participating candidate has spent or contracted or has obligated to spend, or received in loans or contributions, or both, an amount which, in the aggregate, exceeds three times the applicable expenditure limit as stated in §3-706(1)(b) of the Code, then the expenditure limit will no longer apply to participating candidates and limited participating candidates in the election for that office.

§ 2. Subdivision (e) of section 3-02 of chapter 3 of title 52 of the rules of the city of New York is amended to read as follows:

(e) Daily disclosures during two weeks preceding the election. If a candidate[:], during the 14 days preceding an election, (1) accepts [a contribution or] aggregate contributions or loans from a single source [or loan] in excess of \$1,000[;], or (2) makes [an expenditure] aggregate expenditures to a single vendor in excess of \$20,000[; during the 14 days preceding an election], the candidate shall report all such contributions, loans, [and] or expenditures to the Board in a disclosure, which must be received by the Board within 24 hours after [it] the contribution, loan, or expenditure that causes the total to exceed \$1,000 (in the case of contributions or loans) or \$20,000 (in the case of expenditures) is accepted or made. [These disclosures shall be submitted in such form and manner as shall be provided by the Board and shall include any signatures or notarizations required by the

Board.] Information reported in these daily disclosures must also be [reported] included in the candidate's next post-election disclosure statement.

§ 3. Subdivision (e) of section 3-03 of chapter 3 of title 52 of the rules of the city of New York is amended by adding a new paragraph (5) to read as follows:

(5) Contributions to political committees. Political contributions of more than \$99 to political committees (except political committees of other candidates) that support candidates in New York City and throughout New York State, made by a candidate with his or her personal funds, are expenditures to advance his or her campaign and, as such, must be reported to the Board. Candidates must create and maintain records of such contributions.

§ 4. Paragraph (5) of section 5-01 of chapter 5 of title 52 of the rules of the city of New York is REPEALED.

§ 5. Chapter 10 of title 52 of the rules of the city of New York is amended to read as follows:

Chapter 10

Voter [Guide] Education

§ 10-01 Definitions.

Except as otherwise provided, the definitions set forth in § 1-02 apply in this chapter. In addition, for the purposes of this chapter, the following terms [shall] have the following meanings:

Ballot proposal[. “Ballot proposal“ shall mean] means any proposition, referendum, or other question submitted to [the] New York City voters pursuant to the Charter [or to voters in New York City only pursuant to], the New York Municipal Home Rule Law, or any other law.

Candidate print statement[. “Candidate Voter Guide statement“ shall mean] means the [form] document filed by a candidate [pursuant to § 10-02(b),] containing biographical and other information[, a candidate statement] requested by the Board, and a photograph of the candidate for inclusion in the printed and/or online primary and/or general election Voter Guide[if the candidate is on the ballot in the election].

Candidate video statement means a video-recorded statement by the candidate for inclusion in the video edition(s) of the primary or general election Voter Guide.

Election[. “Election” shall mean] means any primary or general election, other than a special election or runoff special election held to fill a vacancy, runoff primary, or election held pursuant to court order, for the office of mayor, public advocate, comptroller, borough president, or member of the City Council, or a general election in which a ballot proposal is on the ballot.

Registered candidate means a person who has registered or filed a certification with the Board pursuant to Administrative Code § 3-703(1)(c) or § 1-11 and/or § 2-01 of this title.

§ 10-02 Contents of the Voter Guide.

(a) [**General information**] **Generally.** In addition to any information that the Board determines to be useful for promoting public awareness of the voting process, City government, and the candidates and ballot proposals in an election, the printed and online Voter [Guide] Guides for an election shall contain:

- (1) the date of the election;
- (2) the hours during which the polls [are] will be open;
- (3) an explanation of the voter registration process, including deadlines to register for both the primary and general elections;
- (4) an explanation of how to obtain and [use] cast or mark an absentee ballot;
- (5) an explanation of how to cast a vote, including write-in votes;
- (6) [maps outlining] information about the boundaries of City Council districts to aid voters in determining their appropriate district; and
- (7) [such] tables of contents, graphics, and other materials which the Board determines will make the Voter Guide easier to understand or more useful for the average voter.

(b) [**Candidates.** (1) The Voter Guide for an election shall] **Candidate statements.**

(1) Candidate print statements.

(i) Candidate print statements contain [biographical and other information for each candidate in the election who has submitted, in a timely manner, a candidate Voter Guide statement as provided in this subdivision. The] the following biographical information [shall be included]:

([i] A) the name of the candidate;

([ii] B) the political party, if any, in which the candidate is enrolled; (iii), and for which party line or lines the candidate’s name will appear on the ballot;

(C) the previous and current public offices held by the candidate;

([iv] D) the current occupation and employer of the candidate;

([v] E) prior employment and positions held by the candidate;

([vi] E) the experience the candidate has had in public service;

([vii] G) the educational background of the candidate;

([viii] H) a list of the candidate's major organizational affiliations;

(I) information about the candidate's principles, platform, or views, in a form prescribed by the Board; and

([ix] J) such other [biographical and other] information as may be determined by the Board and requested [on] of the candidate [Voter Guide statement].

[(2) The Voter Guide shall contain concise statements on the candidate's principles, platform, or views, for each candidate in the election who has submitted, in a timely manner, a candidate Voter Guide statement which meets the requirements of this chapter. The information submitted in the candidate Voter Guide statement shall be in English and shall be translated by a translation service under contract to the Board.

(3) Any photograph of a candidate submitted in a candidate Voter Guide statement shall meet the following requirements: (i) it is]

(ii) The candidate print statement must be submitted in English.

(iii) The photograph of the candidate submitted as part of a candidate print statement must:

(A) be a recent photograph;

([ii] it is a photograph with] B) have a plain background;

([iii] it shows] C) show only the face or the head, neck, and shoulders of the candidate;

([iv] it does] D) not include the hands or anything held in the hands of the candidate;

([v] it does] E) not show the candidate wearing any distinctive uniform, including but not limited to a judicial robe, or a military, police, or fraternal uniform;

(F) not show the candidate wearing any buttons or pins; and

([vi] it is within such] G) not exceed the size and/or resolution requirements as [may be] determined [and required] by the Board.

[(4) (i) A candidate Voter Guide statement shall be included in the primary election Voter Guide for each candidate named in designating petitions filed with the Board of Elections who submits a statement to the Campaign Finance Board which meets the other requirements of this chapter not later than 12 weeks prior to the primary election or such other time as prescribed by the Campaign Finance Board. Notwithstanding the foregoing, a candidate Voter Guide statement shall not be included in the primary election Voter Guide if no contested primary election for the nomination sought by that candidate will be held based on designating petitions filed with the Board of Elections. The Campaign Finance Board shall determine whether a contested primary election will be held based on information available at the time the primary election Voter Guide is sent to press.

(ii) In the case of general election candidates not named in designating petitions filed with the Board of Elections, a candidate Voter Guide statement shall be included in the general election Voter Guide for each such general election candidate who submits a statement to the Campaign Finance Board which meets the requirements of this chapter not later than 12 weeks prior to the general election or such other time as prescribed by the Campaign Finance Board. In the case of candidates for whom a candidate Voter Guide statement was submitted for the primary election Voter Guide, that statement shall be included in the general election Voter Guide, regardless whether it was included in the primary election Voter Guide, and no additional statement or modifications to a statement or other information shall be accepted from such candidates for the general election Voter Guide.

(iii)] (iv) Candidate print statements may not:

(A) contain profanity;

(B) make statements that are libelous, slanderous, or defamatory, or assert facts that the candidate knows or should know to be false; or

(C) engage in the unauthorized use of copyrighted material or invasion of privacy.

(v) Candidate print statements that violate any of the requirements outlined in this chapter will not be included in the Voter Guide.

(vi) Timing of submission.

(A) In the election year, all registered candidates considering filing designating petitions must submit their print statements on or before the submission deadline set by the Board.

(B) A candidate not named in a designating petition filed with the Board of Elections who anticipates filing an independent nominating petition for the general election must submit a candidate print statement on or before the “independent candidates” filing deadline set by the Board.

(C) All candidate print statements for the general election Voter Guide must be submitted prior to the publication of the primary election Voter Guide.

(2) Candidate video statements.

(i) Candidate video statements must contain information regarding the candidate's platform and candidacy, and may contain such other information as the candidate may choose; provided, however, that the candidate may not:

(A) use profanity or make statements or gestures, or display materials, that are obscene or pornographic;

(B) make statements that are libelous, slanderous, or defamatory, or assert facts that the candidate knows or should know to be false;

(C) engage in any commercial programming or advertising;

(D) display any literature, graphs, or props;

(E) engage in the unauthorized use of copyrighted material or invasion of privacy;
or

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

(ii) Candidates recording video statements may dress as they choose and are responsible for their own clothing, make-up and hairdressing; provided, however, that when recording a video statement, candidates may not:

(A) engage in full or partial nudity;

(B) wear any distinctive uniform, including but not limited to a judicial robe, or a military, police, or fraternal uniform;

(C) wear any buttons or pins; or

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

(iii) Candidate video statement scripts must be submitted in advance of the candidate's scheduled recording session in order for the Board to determine that the script meets the requirements of this section. Candidates must follow their approved video statement script during the recording. Recorded statements will not be edited by the Board or any entity participating in the production of the video edition of the Voter

Guide, except that candidate identification and other election information may be displayed.

(iv) Only the candidate may appear on camera, and only the candidate may record a candidate video statement.

(v) Candidates will be allowed to sit or stand while recording statements. Reasonable accommodations for candidates with special needs will be made.

(vi) Video statements must be recorded in English. Candidates may record a portion of their video statements in a language other than English; provided, however, that the script submitted for Board approval contains both the English and non-English text, and an English translation of all non-English text. No additional time will be allotted for statements recorded in multiple languages.

(vii) Candidate video statements that violate any of the requirements outlined in this chapter will not be included in the Voter Guide.

(viii) Timing of candidate video statement recordings. In the election year, the recording schedule for candidates' video statements will be provided to registered candidates in advance. The production schedule will permit candidates filing designating and/or independent nominating petitions to participate. Appointments for candidate video statement recordings must be made at a time within the prescribed production schedule. A candidate who fails to appear at his or her scheduled time will be deemed to have waived participation in the video edition of the Voter Guide.

(3) Inclusion of candidate statements in Voter Guide editions.

(i) Primary election editions. Candidate print and video statements will be included in primary election editions of the Voter Guide only for registered candidates who (A) have met the requirements set forth in this chapter, (B) are named in designating petitions filed with the Board of Elections, and (C) are on the ballot in a contested primary. In the case of printed editions of the Voter Guide, print statements of candidates anticipated to appear on the ballot in a contested primary on the date that the primary election print edition goes to press must be included, based on the Board's assessment of information available from the Board of Elections.

(ii) General election editions. Candidate print and video statements will be included in general election editions of the Voter Guide only for registered candidates who (A) have met the requirements set forth in this chapter, (B) are named in nominating petitions filed with the Board of Elections, and (C) are on the general election ballot. In the case of printed editions of the Voter Guide, print statements of candidates anticipated to appear on the general election ballot on the date that the general election print edition goes to press will be included, based on the Board's assessment of information available from the Board of Elections. Candidates running unopposed in

the general election will be included in general election editions of the Voter Guide, except where the only election being covered is uncontested, in which case the Board will not produce or distribute print or video editions of the Voter Guide, but will produce an online Voter Guide.

(iii) If a candidate in the general election was included in the primary election Voter Guide, then that candidate's primary election Voter Guide statement will be included in the general election Voter Guide. No modifications or additions to the original statement will be accepted.

(iv) Candidates' print statements will be included in the primary and general election online editions in accordance for the rules set forth in subparagraphs (i), (ii), and (iii) of this paragraph.

(v) The Board shall not accept a candidate [Voter Guide] print or video statement unless it is submitted in a manner provided by the Board, includes any signatures or notarizations as may be required by the Board, and the candidate has verified that the contents of the form are true to the best of his or her knowledge. The Board may, [in] at its discretion, reject any [Voter Guide] candidate print or video statement, or portions thereof, it deems to contain matter that is obscene, libelous, slanderous, defamatory, or otherwise [objectionable] in violation of the requirements set forth in this chapter.

[5] Information contained in the candidate Voter Guide statement] (4) Candidate statements shall not exceed the length and space limitations provided by the Board. The Board may, [in] at its discretion, require that candidate [Voter Guide] print statements follow a consistent format, and edit statements to achieve uniformity of presentation, conformance with length and space limitations, and consistency with existing law. Candidate video statements that exceed their allotted statement time of two minutes will be cut off.

[6] The] (5) A candidate [Voter Guide] print statement or video script is a written instrument which, when filed, becomes part of the Board's records. Knowingly filing a written instrument that contains a false statement or false information is a Class A misdemeanor under New York State Penal Law §175.30. A candidate may not include any false information in his or her candidate [Voter Guide] print statement or video script. The candidate shall verify that his or her candidate [Voter Guide] print statement and/or video script is true, to the best of his or her knowledge.

[7] Together with a] (6) With each candidate [Voter Guide] print statement, the Board shall publish one of the following notices:

(i) In the case of a participant: "Participant in the Campaign Finance Program["_] or language to like effect.

(ii) In the case of a limited participant: “Limited participant in the Campaign Finance Program[“]” or language to like effect.

(iii) In the case of a non-participant: “Not a participant in the Campaign Finance Program[“]” or language to like effect.

(c) **Reserved.**

(d) **Ballot proposals.** The print and online editions of the Voter Guide for [the] a general election in which a city ballot proposal is anticipated to appear on the ballot shall contain:

(1) the form of each ballot proposal[,] as it will appear on the ballot[,] in the general election;

(2) [an] a plain-language abstract of each ballot proposal; and

(3) to the extent feasible,[a statement of] the major arguments for and against the passage of each ballot proposal, clearly labeled as such. If feasible, the Board shall solicit and accept from the public statements for and against passage of each ballot proposal for possible inclusion in the Voter Guide for [a] the general election [statements of arguments for and against passage]. A statement shall not be accepted by the Board unless [the statement] it:

(i) is submitted in a form and manner provided by the Board and includes any signatures required by the Board;

(ii) conforms to the length and space limitations provided by the Board; [and]

(iii) identifies the organization, if any, on whose behalf the statement is made; and

(iv) clearly argues for or against passage of the proposal.

No person may submit more than one statement per ballot proposal pursuant to this paragraph.

(e) **Board determines whether to publish statements for and against ballot proposals.**

With respect to statements [of arguments] for [and] or against passage of ballot proposals, the Board, [in] at its discretion, may determine:

(1) not to publish any such statements;

(2) not to publish any statements submitted pursuant to paragraph (d)(3);

(3) to publish all or any portion of a statement submitted pursuant to paragraph (d)(3); and

(4) [to edit any statement submitted pursuant to paragraph (d)(3) and publish the edited statement; and (5)] to compose and publish such statements of arguments for and against passage of ballot proposals as it deems appropriate[, or to designate one or more persons to compose such statements].

(f) **State Ballot Proposals.** The Board will include information about state ballot proposals in Voter Guides for a covered office or a city ballot proposal. At its discretion, the Board may produce an online Voter Guide to provide information about state ballot proposals during an election for which no print Voter Guide is produced.

§ 10-03 Publication and Distribution

(a) The [Voter Guide shall be published] The Board will publish printed Voter Guides in English and Spanish, and in such other languages as [the Board may determine to be necessary and appropriate] may be required by law. The Voter Guide [shall] will be distributed by mail to each household in which there is at least one registered voter eligible to vote in the primary or general election, as the case may be, in the City. [In its discretion, the Board may provide for the publication and distribution of a different Voter Guide in each borough or other subdivision of New York City.]

(b) The Board will produce an online Voter Guide in English and make the translated versions of the printed editions available online.

(c) The Board will make all reasonable efforts to produce a video edition of the Voter Guide for citywide elections, and will seek partners for the production, marketing, and broadcasting of video editions of the Voter Guide. The Board will post online the scripts provided pursuant to § 10-02(b)(2)(iii), along with translations of those scripts into Spanish and such other languages as may be required by law.

(d) Any conflicts related to the submission or public release of candidate print or video statements will be decided by the Board's Executive Director or his or her designee.

(e) All decisions with respect to any edition of the Voter Guide, including resolution of conflicts, made by the Board, its Executive Director, or his or her designee are final.

(f) The Board retains ownership of, and distribution rights to, all Voter Guide content, including candidate statements. Unedited candidate statements may be republished or broadcast with the Board's permission.

§ 10-04 Elections Not Held as Scheduled.

Notwithstanding any other provision of this chapter, the Board shall take such actions as are practicable to prepare, publish, and distribute a Voter Guide in a timely manner for an election that is not held as initially scheduled.

§ 6. Chapter 2 of title 71 of the rules of the city of New York is REPEALED.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

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

RULE TITLE: Amendment of Rules Relating to Voters Guide

REFERENCE NUMBER: 2013 RG 6

RULEMAKING AGENCY: Campaign Finance 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: 2/27/2013

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

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

RULE TITLE: Amendment of Rules Relating to Voters Guide

REFERENCE NUMBER: CFB-2

RULEMAKING AGENCY: Campaign Finance 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/ Ruby B. Choi
Mayor's Office of Operations

2/27/2013
Date