

STRICKEN AS OF 11/11/2010
AMENDED COPY AS OF 5/17/2010

Intro. Res. No. 1576-2010

Laid on Table 5/11/2010

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW
NO. -2010, A CHARTER LAW CREATING A PROGRAM
FOR PUBLIC FINANCING OF COUNTY CAMPAIGNS AND THE
BANNING OF CERTAIN DONATIONS TO CURB POTENTIAL
CONFLICTS OF INTEREST**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on _____, 2010, a proposed Local Law entitled, "**A CHARTER LAW CREATING A PROGRAM FOR PUBLIC FINANCING OF COUNTY CAMPAIGNS AND THE BANNING OF CERTAIN DONATIONS TO CURB POTENTIAL CONFLICTS OF INTEREST**"; and said local law in final form is the same as when presented and introduced; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2010, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW CREATING A PROGRAM FOR PUBLIC
FINANCING OF COUNTY CAMPAIGNS AND THE BANNING OF
CERTAIN DONATIONS TO CURB POTENTIAL CONFLICTS OF
INTEREST**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Article XLI of the Suffolk County Charter "Public Financing of Election Campaigns" was repealed by Local Law No. 39-2009.

This Legislature also finds and determines that the County of Suffolk administers all contracts made and entered into by the County of Suffolk with contract vendors, contractors, and/or consultants at great cost and expense to the County of Suffolk in terms of personnel and County resources.

This Legislature further finds and determines that contract vendors, contractors, and consultants benefit from the administrative services of various County agencies, especially the administrative services of the County Department of Law in processing and administering all County contracts.

This Legislature also determines that it would be in the best interests of the County to charge such contractors a reasonable and appropriate service fee to offset the cost to the County of processing and administering such contracts between the contract vendor, contractor, or consultant and the various County agencies and to help fund Suffolk County

elections to mitigate the influence of County vendor campaign contributions on County decision-making.

This Legislature further determines that funding from such source would promote the primary goal of campaign finance reform by limiting the real or perceived influence of vendors who make contributions.

This Legislature further finds and determines that only the Office of County Executive and County Legislature should be covered by this new funding of County campaigns until such time as a determination can be made as to the efficacy of this funding mechanism.

Therefore, the purpose of this law is:

- 1.) to create a voluntary system of public financing of County election campaigns, funded from a Sliding Scale Service Fee To Be Imposed on Contractors Doing Business with the County of Suffolk;
- 2.) to improve popular understanding of local issues;
- 3.) to increase participation in local elections by voters and candidates;
- 4.) to reduce influence on County officials by large campaign contributors;
and
- 5.) to enhance public confidence in County government.

Section 2. Public Financing of Election Campaigns.

A new Article XLI of the SUFFOLK COUNTY CHARTER is hereby adopted, to read as follows:

ARTICLE XLI, Public Financing of Election Campaigns

§ C41-1. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

AUTHORIZED COMMITTEE -- A political committee which has been authorized by one or more candidates to aid or take part in the election of such candidate or candidates and which has filed a statement that such candidate or candidates have authorized such political committee pursuant to § 14-112 of the NEW YORK ELECTION LAW.

BOARD -- The Suffolk County Campaign Finance Board.

CLIENT -- Every person or organization who retains, employs or designates any person or organization to carry on lobbying activities on behalf of such client.

CONTRIBUTION:

- A.) Any gift, subscription, advance or deposit of money or anything of value, made in connection with the nomination for election, or election, of any candidate; any funds received by a political committee from another political committee to the extent such funds do not constitute a transfer; any payment, by any person other than a candidate or a political committee authorized by the candidate, made in connection with the nomination for election, or election, of any candidate, including, but not limited to, compensation for the personal services of any individual which are rendered in connection with a candidate's election or nomination without charge; provided, however, that none of the foregoing shall be deemed a contribution if it is made, taken or performed by a person or political committee independent of the candidate or his or her agents or political committees authorized by such candidate pursuant to § 14-112 of the NEW YORK ELECTION LAW. For purposes of this paragraph, the term "independent of the candidate or his or her agents or political committees authorized by such candidate pursuant to § 14-112 of the NEW YORK ELECTION LAW" shall mean that the candidate or his or her agents or political committees so authorized by such candidate did not authorize, request, suggest, foster or cooperate in any such activity; and provided, further, that the term "contribution" shall not include:
- 1.) The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;
 - 2.) The use of real or personal property and the cost of invitations, food, and beverages voluntarily provided by an individual to a candidate or political committee on the individual's residential premises for candidate-related activities to the extent such services do not exceed \$500 in value; or
 - 3.) The travel expenses of any individual who on his or her own behalf volunteers his or her personal services to any candidate or political committee to the extent such expenses are unreimbursed and do not exceed \$500 in value.
- B.) A loan made to an eligible candidate or an authorized committee of such candidate other than in the regular course of the lender's business shall be deemed, to the extent not repaid by the date of the general election, a contribution by the lender. A loan made to an eligible candidate or an authorized committee of such candidate in the regular course of the lender's business shall be deemed, to the extent not repaid by the date of the general election, a contribution by the obligor on the loan and by any other person endorsing, cosigning, guaranteeing, collateralizing or otherwise providing security for the loan. Any such loan shall not be used as part of the calculation to determine the threshold for eligibility for public financing.

COUNTY AGENCY -- Any department, board, bureau, commission, division, office, council, committee or officer of the County, whether permanent or temporary, or a public authority at least one of whose members is appointed by

the County Executive, County Legislature, or a County Officer, authorized by law to make rules or to make final decisions in adjudicatory proceedings, but shall not include the judiciary.

DOING BUSINESS -- Conducting, performing or exercising the ordinary functions and activities for which a person is organized.

DONATION -- Any direct or indirect payment, distribution, loan, advance, deposit of money, or gift of money, or any services, or any thing of value, by independent committee or otherwise, to any elected official or any candidate, campaign committee or political party or organization, in connection with any election to any of the offices referred to in the definition of "eligible candidate" in this section.

ELECTION -- Any general election for nomination for election, election to a term as a member of the Suffolk County Legislature or election to the Office of County Executive.

ELIGIBLE CANDIDATE -- Any candidate for nomination for election, or election to a term as a member of the Suffolk County Legislature or to the Office of County Executive.

FUND -- The Suffolk County Election Campaign Finance Fund.

INTERMEDIARY -- An individual, corporation, partnership, political committee, employee organization, or other entity, which, other than in the regular course of business as a postal, delivery or messenger service, delivers any contribution from another person or entity to a candidate or an authorized committee. "Intermediary" shall not include spouses, parents, children, or siblings of the person making such contribution.

LOBBYING or LOBBYING ACTIVITIES -- Any attempt to influence the passage or defeat of any legislation by the County Legislature or the approval or disapproval of any legislation by the County Executive; the adoption or rejection by the County of Suffolk, its agencies, boards, departments, offices or commissions of any rule or regulation having the force and effect of law; or the outcome of any rate-making proceeding by a County Agency. The term "lobbying" shall not include:

- A.) Persons engaged in drafting legislation, rules, regulations or rates or persons advising clients and rendering opinions on proposed legislation, rules, regulations or rates, where such professional services are not otherwise connected with legislative or executive action on such legislation or administrative action on such rules, regulations or rates.
- B.) Newspapers and other periodicals and radio and television stations and owners and employees thereof, provided that their activities in connection with proposed legislation, rules, regulations or rates are limited to the publication or broadcast of news, items, editorials, other comment or paid advertisements.

- C.) Persons who participate as witnesses, attorneys or other representatives in public rule-making or rate-making proceedings of a County Agency, with respect to all participation by such persons which is part of the public record thereof and all preparation by such persons for such participation.
- D.) Persons who attempt to influence a county agency in an adjudicatory proceeding, as defined by § 102 of the NEW YORK STATE ADMINISTRATIVE PROCEDURE ACT.
- E.) Persons who prepare or submit a response to a request for information or comments by the County Legislature, the County Executive or a County Agency, or a committee or officer of the Legislature or a County Agency.

LOBBYIST -- Every person or organization retained, employed or designated by any client to engage in lobbying before the County of Suffolk, its agencies, boards, commissions, County Legislature, County Executive, or any other elected County Official, and registered under Chapter 348 of the SUFFOLK COUNTY CODE. The term "lobbyist" shall not include any officer, director, trustee, employee, counsel or agent of the County of Suffolk when discharging his or her official duties.

MATCHABLE CONTRIBUTION -- A contribution, contributions or a portion of a contribution or contributions, not exceeding \$500 per election made by a natural person resident in the County of Suffolk to a candidate for nomination for election or election to any of the offices covered by the provisions of this Article or any of such candidate's authorized committees which has been reported in full to the Board in accordance with § C41-2A(6) of this Article by the candidate's authorized committee designated by such candidate pursuant to such § C41-2A(6) and has been contributed on or before October 31 in the year of such election that may be matched by public funds in accordance with the provisions of this Article. This \$500 limitation shall not apply to a candidate's contribution to his or her own nomination for election or election. A loan may not be treated as a matchable contribution. For purposes of this definition, a "person" shall be deemed to include unemancipated children of such person.

ORGANIZATION -- Any corporation, company, foundation, association, labor organization, firm, partnership, joint venture, joint-stock company, County Agency or public corporation.

PERSON -- Any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business organization of any kind.

POLITICAL COMMITTEE -- Any corporation aiding or promoting and any committee or combination of one or more persons operating or cooperating to aid or to promote the success or defeat of a political party or principle, or to aid or take part in the election or defeat of a candidate for public office or to aid or take part in the election or defeat of a candidate for nomination at a primary election or convention, including all proceedings prior to such primary election, or of a candidate for any party position voted for at a primary election, or to aid or defeat the nomination by petition of an independent candidate for public office; but

nothing in this Article shall apply to any committee or organization for the discussion or advancement of political questions or principles without connection with any vote. "Committee" shall include any party committee or constituted committee, as such committees are defined in Article 14 of the NEW YORK ELECTION LAW.

QUALIFIED CAMPAIGN EXPENDITURE -- An expenditure for which public funds may be used.

RELATED TO -- Has a known personal, business, commercial, professional, economic, or financial relationship with an entity doing business with or proposing to do business with the County of Suffolk, or any partners, members, directors or shareholders of more than five (5) per cent of any such entity, and any Suffolk County employee, any elected official from Long Island, or any public official of Suffolk County Government.

THRESHOLD CONTRIBUTION -- A contribution, contributions or a portion of a contribution or contributions, not exceeding \$500 made by a natural person resident in the County of Suffolk to a candidate for nomination for election or election to any of the offices covered by the provisions of this Article or any of such candidate's authorized committees which has been reported in full to the Board in accordance with § C41-2A(6) of this Article by the authorized committee designated by such candidate pursuant to such § C41-2A(6) and has been contributed on or before October 31 in the year of such election that may be used by a candidate to meet the threshold for eligibility. This \$500 limitation shall not apply to a candidate's contribution to his or her own nomination for election or election. A loan may not be treated as a threshold contribution and shall not be used as part of the calculation to determine the threshold for eligibility for public financing.

THRESHOLD FOR ELIGIBILITY -- The total amount of threshold contributions that an eligible candidate for nomination for election or election to office and the authorized committees of such candidate must receive in order for such candidate to qualify for optional public financing pursuant to this Article.

TRANSFER -- Any exchange of funds or anything of value between political committees authorized by the same candidate pursuant to § 14-112 of the NEW YORK ELECTION LAW and taking part solely in his or her campaign.

§ C41-2. Eligibility for public financing.

- A.) To be eligible for optional public financing under this Article, a candidate for nomination for election, or election, shall:
 - 1.) Meet all the requirements of law to have his or her name on the ballot.
 - 2.) Be a candidate for a term as a member of the Suffolk County Legislature or the Office of County Executive in a general election.

- 3.) Be a candidate on one (1) of the two (2) ballot lines receiving the highest votes cast at the last gubernatorial election immediately preceding the election for which such candidate chooses to participate for the public funding provisions of this Article.
- 4.) Choose to participate in the public funding provisions of this Article by filing a written certification in such form as may be prescribed by the Board, which sets forth his or her acceptance of and agreement to comply with the terms and conditions for the provision of such funds, such certification to be filed with the Board no later than the tenth (10th) day after the filing of a sworn verified statement pursuant to § 14-112 of the NEW YORK ELECTION LAW that such candidate has authorized a political committee to aid or take part in an election, or by the last date for filing a designating or nominating petition for the office for which such individual is a candidate in the year in which the election for which he or she seeks to be qualified as an eligible candidate is held, whichever occurs last.
- 5.) Obtain and furnish to the Board any information it may request relating to his or her campaign expenditures or contributions and furnish such documentation and other proof of compliance with this Article as may be requested by such Board.
- 6.) Notify the Board as to the existence of each authorized committee authorized by such candidate, whether any such committee has been so authorized by any other candidate, and, if the candidate has authorized more than one authorized committee, notify the Board as to which authorized committee has been designated by the candidate pursuant to Subsection C of this section.
- 7.) State that, except as is otherwise provided in Subsection A(6) of this section, such candidate and the authorized committees of such candidate have not accepted and agree not to accept any contribution or contributions from any one individual, corporation, partnership, political committee, employee organization or other entity for each election in which he or she seeks to be qualified as an eligible candidate which, in the aggregate, for a term as a member of the Suffolk County Legislature, shall exceed the sum of \$2,000 or, to the Office of County Executive, shall exceed the sum of \$35,000. If state law prescribes a contribution limitation of a lesser amount, this subsection shall not be deemed to authorize acceptance of a contribution in excess of such lesser amount. The maximum contribution set forth in this subsection shall be adjusted in accordance with Subsection D of this section.
- (8) State, if such candidate and the authorized committees of such candidate have accepted any contribution or contributions from any one individual, corporation, partnership, political committee, employee organization or other entity prior to the effective date of this Article which in the aggregate exceed the maximum

contribution applicable pursuant to Subsection A(7) of this section, that such candidate and such authorized committees have not, subsequent to the effective date of this Article, spent, and agree not to spend for such nomination for election, or election, any portion of any contributions from any one individual, corporation, partnership, political committee, employee organization or other entity to the extent that such portion exceeds the maximum contribution applicable pursuant to Subsection A(7) of this section. Any contribution made prior to the effective date of this Article shall not be deemed a matchable contribution or threshold contribution for purposes of this Article for any election held in the year 2013 or thereafter. Any contribution made prior to the effective date of this Article shall only be eligible:

- (a) for use by any candidate for his or her campaign for the Office of County Legislature or County Executive, who declines to opt into this program under Subsection 4 of Paragraph (A) of this Section, for the campaign for that office; or
- (b) for any other lawful purpose authorized by the NEW YORK STATE ELECTION LAW that is not inconsistent with the provisions of this Article.

9.) State that he or she has not made and agrees not to make expenditures from or use his or her personal funds or property or the personal funds or property of his or her spouse or unemancipated children in connection with his or her nomination for election, or election, except as a contribution to his or her authorized committee designated pursuant to Subsection C of this section in an amount that does not exceed the maximum contribution amount applicable pursuant to Subsection A(7) of this section, and that such candidate and the authorized committees of such candidate have not and agree not to exceed the applicable expenditure limitations set forth in § C41-5 of this Article.

- (a) The threshold for eligibility for public funding for candidates in a general election shall be, in the case of:
 - [1] Member of the County Legislature: not less than Ten Thousand Dollars (\$10,000) in threshold contributions, including at least 50 such contributions in the amount of Ten Dollars (\$10) or more.
 - [2] County Executive: not less than One Hundred and Eighty Thousand Dollars (\$180,000) in threshold contributions, including at least 300 such contributions in the amount of Ten Dollars (\$10) or more.

- [3] Contributions from any authorized committee shall not be used to calculate the threshold for eligibility for public funding under this subsection.
 - [4] Any loan made to an eligible candidate, or an authorized committee of such candidate, shall not be used as part of the calculation to determine the threshold for eligibility for public financing.
- B.) Candidates who are unopposed in an election shall not be eligible to receive public funds for such election.
- C.) Each candidate shall designate his or her authorized committee or, if he or she has more than one authorized committee, a single authorized committee to receive public funds pursuant to this Article and to report, to the best of its knowledge, to the Board every contribution, loan, guaranty or other security for such loan received by the candidate, such authorized committee and any other authorized committee of such candidate, and the full name, residential address, occupation, employer and business address of each individual, corporation, partnership, political committee, employee organization or other entity making, or which is the intermediary for, such contribution, loan, guaranty, or other security for such loan, and every expenditure made by the candidate, such authorized committee and any other authorized committee of such candidate, including expenditures not subject to § C41-5 of this Article. Such reports shall be submitted at such times and in such form as the Board shall require and may be filed via e-mail or diskette. A computer-generated printed hardcopy for same, signed by the Committee Chair, shall be filed with the Board within three business days after the e-mail filing, or, if filed by diskette, the signed computer-generated hardcopy shall accompany the diskette.
 - 1.) Once the necessary technology and procedures for electronic filing are in place in Suffolk County for County Campaign Finance Statements, the Board shall immediately place all such information contained in such filings on a Suffolk County Campaign Finance Statement Reporting website, accessible to the public at large, subject to the use of appropriate security devices designed to protect against tampering with the contents or filing of such statements.
 - 2.) This electronic requirement shall not apply to a political committee whose Treasurer files a sworn statement which demonstrates that the political committee does not have access to the technology necessary for electronic filing and that filing electronically would constitute a substantial hardship to the political committee.
- D.) Not later than the first day of March in the year 2015 and every fourth year thereafter the Board shall determine the percentage difference

between the average over a calendar year of the CPI - New York - Northern New Jersey - Long Island, New York, New Jersey, Connecticut, Pennsylvania (CMSA) published by the United States Bureau of Labor Statistics for the twelve (12) months immediately preceding the beginning of such calendar year and the average over the calendar year 2013 of such CPI - New York -Northern New Jersey - Long Island, New York, New Jersey, Connecticut, Pennsylvania (CMSA); adjust each maximum contribution applicable pursuant to Subsection A(7) of this section by the amount of such percentage difference to the nearest \$50; and publish such adjusted maximum contribution for three consecutive weeks in the Official County and Town newspapers designated by the Suffolk County Legislature. Such adjusted maximum contribution shall be in effect for any election held before the next such adjustment.

- E.) In order to be eligible to receive public funds in a general election, a candidate must agree via written certification to the Board that, in the event he or she is a candidate for such office in any other election held in the same calendar year, he or she will agree via written certification to the Board:
1. not to accept donations from political action committees created by or related to an entity doing business or proposing to do business with the County of Suffolk, lobbyists doing business or proposing to do business with the County of Suffolk, firms doing business or proposing to do business with the County of Suffolk, or certified or recognized employee organizations representing employees of the County of Suffolk and be bound in each such election by the eligibility requirements and all other provisions of this Article; and
 2. not to make payments from campaign funds for items that are personal in nature to the candidate, his or her family, or his or her friends, unrelated to the official conduct of a political campaign or the holding of a public office, including, but not limited to, birthday gifts, wedding gifts, personal attire, appliances, personal vacation travel, maintenance of a home, operation of a private business, personal grooming, sports and recreational activities, or for the use of a vehicle that occurs during a period of time other than the six (6) months immediately preceding an election in which that candidate is participating. For the purpose of this subsection, family shall mean spouse, issue, stepchild, brother, sister, parent, grandparent, brother-in-law, sister-in-law, parent-in-law, niece, or nephew of a candidate.
- F.) In order to be eligible to receive public funds, a Legislative candidate must raise at least \$5,000 by August 15 for the office for which he or she is a candidate in the year in which such election shall be held and a

candidate for the Office of County Executive must raise at least \$15,000 by August 15 in the year in which such election shall be held.

§ C41-3. Campaign expenditures.

- A.) Public funds provided under the provisions of this Article may be used only for expenditures by an authorized committee on behalf of a candidate to further the candidate's nomination for election, or election, during the calendar year in which the general election in which the candidate is seeking nomination for election, or election, is held.
- B.) Such public funds may not be used for:
 - 1.) An expenditure in violation of any law.
 - 2.) Payments made to the candidate or a spouse, child, grandchild, parent, grandparent, brother or sister of the candidate or spouse of such child, grandchild, parent, grandparent, brother or sister, or to a business entity in which the candidate or any such person has a 10% or greater ownership interest.
 - 3.) Payment in excess of the fair market value of services, materials, facilities or other things of value received in exchange.
 - 4.) Any expenditure made after the candidate has been disqualified or had his or her petitions declared invalid by the Suffolk County Board of Elections or a court of competent jurisdiction until and unless such finding is reversed, except as expenditures from funds which are carried over pursuant to Subsection C of § C41-5 of this Article.
 - 5.) Any expenditure made after the only remaining opponent of the candidate has been disqualified or had his or her petitions declared invalid by the Suffolk County Board of Elections or a court of competent jurisdiction until and unless such finding is reversed.
 - 6.) Gifts, except brochures, buttons, signs and other printed campaign material.
 - 7.) Cash payments.
 - 8.) Transfers to other candidates.
 - 9.) Petition challenges.
 - 10.) Payments for items that are personal in nature to the candidate, his or her family, or his or her friends, unrelated to the official conduct of a political campaign or the holding of a public office, including, but not limited to, birthday gifts, wedding gifts, personal attire, appliances, personal vacation travel, maintenance of a home, operation of a private business, personal

grooming, sports and recreational activities, or for the use of a vehicle that occurs during a period of time other than the six (6) months immediately preceding an election in which that candidate is participating. For the purpose of this subsection, family shall mean spouse, issue, stepchild, brother, sister, parent, grandparent, brother-in-law, sister-in-law, parent-in-law, niece, or nephew of a candidate.

§ C41-4. Optional public financing.

- A.) Each eligible candidate for nomination for election in general elections may obtain payment to the authorized committee designated by such candidate pursuant to Subsection E of § C41-2 of this Article from public funds for qualified campaign expenditures, in accordance with the provisions of this Article and subject to appropriation by the County of Suffolk.

- B.) No such public funds shall be paid to an authorized committee until the candidate has qualified as an eligible candidate and has filed the written certification required pursuant to § C41-2 of this Article with the Board. Payment shall not exceed the amounts specified in this Article and shall be made only in accordance with the provisions of this Article. Such payment may be made only to the authorized committee designated by the eligible candidate pursuant to Subsection C of § C41-2 of this Article. No public funds shall be used except as reimbursement or payment for qualified campaign expenditures actually and lawfully incurred or to repay loans used to pay qualified campaign expenditures.

- C.) In the event that the authorized committee designated by an eligible candidate has obtained, and reported to the Board in accordance with the provisions of this Article, contributions equal to at least the threshold for eligibility established by § C41-2A(9)(a) of this Article, then the authorized committee shall receive payment for qualified campaign expenditures equivalent to twice the amount of said threshold for eligibility for the office for which such candidate seeks nomination for election, or election. No contribution, contributions or portion of a contribution or contributions exceeding \$500 made by a person, including unemancipated children of such person, may be used as either a threshold contribution or a matchable contribution, or both, in any one election. In the event that there are insufficient funds available to cover all campaigns, then such funds shall be allocated first to fully fund, to the maximum extent possible, the election to the Office of County Executive and the Office of County Legislature on a pro-rata basis.

- D.) A candidate seeking or obtaining nomination for election by more than one party shall be deemed one candidate and shall not receive additional public funds or be authorized to accept contributions in excess of the maximum contribution applicable pursuant to Subsection A(7) of § C41-2 or make additional expenditures by reason of such candidate seeking or obtaining nomination for election by more than one party.

- E.) The Board shall make possible payment within 10 business days after receipt of reports of matchable contributions, or as soon thereafter as is practicable, but not earlier than the earliest dates for making such payments as provided in Subsection E of § C41-8.

§ C41-5. Expenditure limitations.

- A.) The following limitations shall apply to all expenditures made by a candidate and his or her authorized committees on or after the first day of January immediately preceding the election for which such candidate chooses to participate in the public funding provisions of this Article throughout the pertinent term of office to which such limitation is applied, and to expenditures made at any time prior to such date for services, materials, facilities, advertising or other things of value received, rendered, published, distributed or broadcast on or after such date throughout the pertinent term of office to which such limitation is applied.

- 1.) In each general election, expenditures by an eligible candidate for one of the following offices and his or her authorized committees shall not exceed the following amounts:

Office	Expenditure Limit
County Executive	\$900,000
Legislator	\$ 50,000

Moneys expended for the sole and exclusive purpose of campaign fund raising (such as, but not limited to, renting a catering hall, purchasing food and beverages, and printing invitations) shall be excluded from this limit.

- 2.) The Board shall, pursuant to § C41-12 of this Article, submit a report to the County Executive and the County Legislature on or before September 1, 2012, containing its recommendations whether the expenditure limitations provided by this subsection should be modified. Such report shall set forth the amount of, and reasons for, any modifications it recommends.
- 3.) Not later than the first day of March in the year 2015 and every fourth (4th) year thereafter the Board shall:
 - (a) Determine the percentage difference between the average over a calendar year of the CPI - New York -Northern New Jersey - Long Island, New York, New Jersey, Connecticut, Pennsylvania (CMSA) published by the United States Bureau of Labor Statistics for the 12 months immediately preceding the beginning of such calendar year and the average over the calendar year 2013 of such CPI - New York -Northern New Jersey - Long Island, New York, New Jersey, Connecticut, Pennsylvania (CMSA).

- (b) Adjust each expenditure limitation applicable pursuant to this subsection by the amount of such percentage difference to the nearest \$1,000.
 - (c) Publish such adjusted expenditure limitation for three consecutive weeks in the Official County and town newspapers designated by the Suffolk County Legislature. Such adjusted expenditure limitation shall be in effect for any election held before the next such adjustment.
- B.) The following limitations shall apply to all expenditures made by a candidate and his or her authorized committees in the calendar year preceding the year of the election for which such candidate chooses to participate in the public funding provisions of this Article and to expenditures made at any time prior to such date for services, materials, facilities, advertising or other things of value received, rendered, published, distributed or broadcast in such calendar year. Such expenditures by such a candidate for one of the following offices and his or her authorized committees shall not exceed the following amounts:

Office	Expenditure Limit
County Executive	\$300,000
Legislator	\$10,000

Moneys expended for the sole and exclusive purpose of campaign fund raising (such as, but no limited to, renting a catering hall, purchasing food and beverages, and printing invitations) shall be excluded from this limit.

- C.) Funds received from contributions and payments from the fund not expended by an eligible candidate for nomination for election or election to an office or his or her authorized committees in an election may be carried over for expenditure by such candidate or committees in the next following election for nomination for election or election to such office in the same calendar year, provided that such carryover may not in any way affect, modify or waive the obligation of such candidate or committees to comply with the provisions of this Article, including the limitations on the receipt of contributions and on the making of expenditures for each election.
- D.) If any candidate in any general election for an office for which public funds are available pursuant to the provisions of this Article chooses not to participate in the public funding provisions of this Article, by the last date for filing a designating or nominating petition for the office for which such individual is a candidate, or if the candidate is disqualified or removed from the ballot due to an insufficient number of valid signatures on such petition, by the date of a final administrative or judicial ruling from which no further appeal may be taken in such case, then such expenditure limit shall no longer apply to those candidates in such election for such office who have chosen to receive public funds.

- E.) Expenditures for professional services, including legal fees and accounting fees, made for the purpose of complying with the provisions of this Article or the NEW YORK ELECTION LAW, and expenses to defend the validity of petitions of designation or nomination or certificates of nomination, acceptance, authorization, declination or substitution, shall not be limited by the expenditure limitations of this section.

§ C41-6. Multi-candidate committees.

- A.) Contributions, loans and guaranties or other security for such loans, made to an authorized committee in support of more than one candidate, shall be allocated among such candidates supported by the committee in accordance with the formulas promulgated or approved by the Board. The statements filed by such committee in accordance with this Article shall set forth, in addition to the other information required, the total amount received by the committee on behalf of all such candidates and the contributions, loans and guaranties or other security for such loans allocated to each candidate by dollar amount and percentage.
- B.) In computing the aggregate amount expended by a candidate and his or her authorized committees, expenditures made by an authorized committee in support of more than one candidate shall be allocated among such candidates supported by the committee in accordance with formulas promulgated or approved by the Board. The statements filed by such committee in accordance with this Article shall set forth, in addition to the other information required, the total amount expended by the committee on behalf of all such candidates and the amount allocated to each candidate by dollar amount and percentage.

§ C41-7. Campaign Finance Board.

- A.) Creation; membership.
 - 1.) The Suffolk County Campaign Finance Board is hereby created consisting of five (5) members. Two (2) members of the Board shall be appointed by the County Executive, provided that not more than one (1) such member shall be enrolled in any one (1) political party; one (1) member shall be appointed by the Presiding Officer of the Suffolk County Legislature; one (1) member shall be selected by the minority leader (of the largest Minority Party in the County Legislature measured by the number of County Legislators) of the County Legislature, provided that not more than one (1) such legislatively appointed member shall be enrolled in any one (1) political party; and one (1) member, who shall be the Chairperson, shall be appointed by the County Executive with the concurrence of the Presiding Officer.
 - 2.) The members shall initially be appointed to serve as follows:

- (a) One (1) member appointed by the Presiding Officer for a term of one (1) year representing a widely recognized and acknowledged civic group.
 - (b) One (1) member appointed by the County Executive for a term of two (2) years representing someone widely recognized and acknowledged within the academic community.
 - (c) One (1) member appointed by the Minority Leader of the largest minority party in the County Legislature, measured by the number of County Legislators, for a term of three (3) years.
 - (d) One (1) member appointed by the County Executive for a term of one (1) year.
 - (e) The chairperson, for a term of three (3) years, selected by the County Executive with the concurrence of the Presiding Officer.
- 3.) Each term shall commence on January 1, 2011. Thereafter, each member shall be appointed for a term of three (3) years by the County Executive or the Presiding Officer, according to the original manner of appointment. In case of a vacancy in the office of a member, a member shall be appointed to serve for the remainder of the unexpired term by the County Executive or Presiding Officer of the Legislature, as the case may be. Each member shall be a resident of the County of Suffolk, registered to vote therein. No member shall make contributions to any candidate for nomination for election, or election to the Office of Legislature or County Executive which, in the aggregate, are in excess of the maximum contribution applicable to such office pursuant to § C41-2A(7) of this Article. No member shall serve as an officer of a political party; be a candidate or participate in any capacity in a campaign by a candidate for nomination for election or election to the Office of Legislature or County Executive; or be a County employee.
- B.) The Board may employ necessary staff, including an Executive Director and a Counsel, and make necessary expenditures subject to appropriation by the County of Suffolk.
- C.) No member of the Board shall be removed from office except for cause and upon notice and hearing. No member of the Board shall receive compensation but shall be entitled to reimbursement for any reasonable and necessary travel expenses incurred as a result of serving as such a member.

- D.) The Board shall publicize, as it deems appropriate, the names of candidates for nomination or election to the offices of Legislator or County Executive.
- E.) The Board may render advisory opinions with respect to questions arising under this Article. Such advisory opinions may be rendered on the written request of a candidate, an officer of a political committee or member of the public, or may be rendered on its own initiative. The Board shall make public its advisory opinions. The Board shall develop a program for informing candidates and the public as to the purpose and effect of the provisions of this Article.
- F.) The Board shall issue and promulgate such rules and regulations and provide such forms as it deems necessary for the administration of this Article. The Board shall promulgate regulations concerning the form in which contributions and expenditures are to be reported, the periods during which such reports must be filed, and the verification required. The Board shall require the filing of reports and contributions and expenditures for purposes of determining compliance with the provisions of this Article.
- G.) The Board shall develop a computer database that shall contain all information necessary for the proper administration of this Article, including information on contributions to and expenditures by candidates and their authorized committees and distributions of moneys from the fund. Such database shall be accessible to the public upon the payment of such fees as may be set by the Board to reimburse the County for the administrative cost of providing such information.
- H.) The Board may take such other actions as are necessary and proper to carry out the purposes of this Article.

§ C41-8. Suffolk County Campaign Finance Fund.

- A.) There is hereby established a special fund, to be known as the "Suffolk County Campaign Finance Fund." The moneys in such fund may be expended by the Board only as payments for eligible candidates in accordance with the provisions of this Article and for the administration and implementation of this program.
- B.) The fund shall be kept in separate interest-bearing accounts and shall be credited with all sums appropriated therefor, any donations received pursuant to Paragraph H of this section, and all earnings accruing on such funds.
- C.) As soon as practicable, but no later than December 31, 2011, and in time for inclusion in the County's Operating Budget in every year thereafter, and at such other times as the Board shall deem necessary, the Board shall submit its estimate of the amount of public funds which will be necessary to provide candidates sufficient financing for elections in the next year in which elections are scheduled pursuant to the SUFFOLK

COUNTY CHARTER and for elections to fill vacancies to be held prior to such year, and a reserve for contingencies. Such estimates shall be submitted in such manner and at such times as to ensure that such amounts as shall be necessary shall be appropriated in full by the beginning of the fiscal year in which elections are scheduled pursuant to the SUFFOLK COUNTY CHARTER and that additional amounts shall be appropriated as necessary. These funds shall be generated by voluntary contributions to the fund as well as by appropriations equivalent to the amount of the County contract service fee revenues authorized in Section A4-15 of the SUFFOLK COUNTY ADMINISTRATIVE CODE. A portion of these funds may also be appropriated to pay for the administration and implementation of this Article.

- 1.) Not later than the first day of March in the year 2015 and every fourth (4th) year thereafter the Board shall:
 - (a) Determine the percentage difference between the average over a calendar year of the CPI - New York -Northern New Jersey - Long Island, New York, New Jersey, Connecticut, Pennsylvania (CMSA) published by the United States Bureau of Labor Statistics for the 12 months immediately preceding the beginning of such calendar year and the average over the calendar year 2013 of such CPI - New York -Northern New Jersey - Long Island, New York, New Jersey, Connecticut, Pennsylvania (CMSA).
 - (b) Adjust each contract service fee applicable under Section 4-15 (A) of the SUFFOLK COUNTY ADMINISTRATIVE CODE by the amount of such percentage difference to the nearest \$100.
 - (c) Publish such adjusted contract service fee for three consecutive weeks in the Official County and Town newspapers designated by the Suffolk County Legislature. Such adjusted contract service fee shall be in effect for any election held before the next such adjustment.
- D.) The moneys in such fund shall be paid to candidates by the Board upon its certification that such candidates qualify for such funds.
- E.) No moneys shall be paid to candidates in a general election any earlier than the day after the day of the primary election held to nominate candidates for such election.
- F.) No moneys shall be paid to any candidate who has been disqualified or whose designating or nominating petitions have been declared invalid by the Suffolk County Board of Elections or a court of competent jurisdiction until and unless such decision is reversed and no further appeal may be taken. Any payment from the fund in the possession of such a candidate or his or her authorized committees on the date of such disqualification or invalidation may not thereafter be expended for any purpose except the

payment of liabilities incurred in qualified campaign expenditures before such date and shall be repaid to the fund. If such decision is reversed, the Board shall return such funds to such candidate or authorized committees and such funds may be expended as provided pursuant to this Article.

- G.) Prior to the first distribution of public funds to candidates in any election, the Board shall make a determination whether the moneys in the fund are sufficient to provide all candidates the amounts they may receive pursuant to this Article for all elections to be held during the calendar year for which such determination is made. Such determination shall be published once in the Official County and Town newspapers designated by the County Legislature; published at least once in a newspaper with a County-wide circulation; and posted by the Board on a Suffolk County campaign reporting website accessible to the public at large. If the Board determines that such moneys are or may be less than such amounts, the Board shall submit to the County Legislature and County Executive an estimate pursuant to Subsection C of this section and in accordance with the provisions of the SUFFOLK COUNTY CHARTER to provide such funds as authorized by Section A14-5 of the SUFFOLK COUNTY ADMINISTRATIVE CODE. The Board shall first apply all moneys as are available to payments for eligible candidates in the next election following such determination subject to the priority in § C41-4C of this Article. If the moneys allocated for payments for eligible candidates in any election are less than the amount the Board estimates is necessary to provide candidates the amounts they may receive pursuant to this Article for such election, the Board shall reduce the payments for all eligible candidates for all offices in such election by the percentage it determines is necessary to ensure such payments shall not exceed the moneys allocated for payments for eligible candidates in such election, subject to the priority in § C41-4C of this Article. The Board shall adjust such percentage if additional moneys are received into the fund, by appropriation or otherwise, or if, upon consideration of further facts, it changes its estimates of moneys available.
- H.) The Board is hereby empowered to accept donations to be credited to the fund. The Board shall devise such methods of soliciting and collecting donations as it may deem feasible and appropriate.
- I.) Any moneys on deposit in the Suffolk County Election Campaign Finance Fund, established by Local Law No. 25 of 1998, as of December 31, 2010, shall be transferred by the Suffolk County Department of Finance and Taxation on January 1, 2011 to the Suffolk County Campaign Finance Fund established by this law.
- J.) In the event that the Board determines that the amount of revenues generated by the contract service fee authorized by Section 4-15(A) of the SUFFOLK COUNTY ADMINISTRATIVE CODE either exceeds the amount necessary to provide candidates sufficient financing for the election in the next year in which elections are scheduled, pursuant to the SUFFOLK COUNTY CHARTER and to administer and implement the

program, or is insufficient to provide the amount necessary to provide candidates sufficient financing for the election in the next year in which elections are scheduled pursuant to the SUFFOLK COUNTY CHARTER and to administer and implement the program, then the Board shall adjust the sliding fee schedule established by Section 4-15(A) of the SUFFOLK COUNTY ADMINISTRATIVE CODE, effective January 1 of the pertinent year, by an equivalent percentage, either up or down, for each of the six (6) categories of fees set forth therein, as shall be necessary to generate sufficient financing for the election in the next year in which elections are scheduled, pursuant to the SUFFOLK COUNTY CHARTER. This adjustment shall be made on October 31 of the year immediately preceding the effective date of such adjustment. Any funds determined by the Board to be necessary for the implementation and administration of this Article shall be deposited in the Fund via transfer by the Budget Office or via duly enacted Resolution of the County of Suffolk.

§ C41-9. Examinations and audits.

- A.) The Board is hereby authorized, empowered and directed to audit and examine all matters relating to the performance of its functions and any other matter relating to the proper administration of this Article.
- B.) Excess and disqualified payments; reimbursement of fund.
 - 1.) If the Board determines that any portion of the payment made to the authorized committee designated by an eligible candidate pursuant to Subsection C of § C41-2 of this Article from the fund was in excess of the aggregate amount of payments which such candidate was eligible to receive pursuant to this Article, it shall notify such committee and such committee shall pay to the Board an amount equal to the amount of excess payments.
 - 2.) If the Board determines that any portion of the payment made to an authorized committee of an eligible candidate from the fund was used for purposes other than qualified campaign expenditures, it shall notify such authorized committee of the amount so disqualified and such authorized committee shall pay to the Board an amount equal to such disqualified amount.
 - 3.) If the total of contributions and payments from the fund received by an eligible candidate and his or her authorized committees exceeds the total campaign expenditures of such candidate and committees for all elections held in the same calendar year, such candidate and committees shall use such excess funds to reimburse the fund for payments received by the authorized committee from the fund during such calendar year. Such reimbursement shall be made not later than 10 days after all liabilities have been paid and, in any event, not later than April 10 of the year following such calendar year. No such excess funds shall be used for any other purpose, unless the total amount of the

payments received from the fund by the authorized committee has been repaid.

- 4.) If a candidate whose authorized committee has received public funds is disqualified by a court of competent jurisdiction on the grounds that such candidate committed fraudulent acts in order to obtain a place on the ballot and such decision is not reversed, such candidate and his authorized committee shall pay to the Board an amount equal to the total of public funds received by such authorized committee.

§ C41-10. Penalties for offenses.

- A.) Any candidate receiving public financing who has submitted a written certification pursuant to Subsection C of § C41-2 of this Article who fails to file a statement or record required to be filed by this Article or the rules and regulations of the Board in implementation thereof or who violates any other provision of this Article shall be subject to a civil penalty in the amount of three times the sum by which such expenditures exceed the applicable expenditure limitation or \$5,000, whichever is greater.
- B.) The intentional or knowing furnishing of any false or fictitious evidence, books or information to the Board under this Article, or the inclusion in any evidence, books or information so furnished of a misrepresentation of a material fact, or the falsifying or concealment of any evidence, books or information relevant to any audit by the Board or the intentional or knowing violation of any other provision of this Article shall be punishable as a Class A misdemeanor subject to a fine not to exceed \$1,000 and/or a term of imprisonment not to exceed one year. The Board shall seek to recover any public funds obtained as a result of such conduct.
- C.) Any civil penalties or criminal fines collected pursuant to this section shall be paid to the fund.

§ C41-11. Satisfaction of liabilities.

Contributions, loans, guaranties and other security for such loans used and expenditures made toward the payment of liabilities incurred by a candidate in an election held prior to the effective date of this Article or in which he or she did not choose to participate in the public funding provisions of this Article, or in a campaign for public office other than one covered by this Article, shall not be subject to the requirements and limitations of this Article.

§ C41-12. Reports.

The Board shall review and evaluate the effect of this Article upon the conduct of election campaigns in the County of Suffolk and shall submit a report to the County Executive and the County Legislature on or before September 1, 2013, and every fourth (4th) year thereafter, and at any other time upon the request of the County Executive or the County Legislature and at such other times as the Board deems appropriate, containing:

- A.) The number and names of candidates qualifying for and choosing to receive public funds pursuant to this Article, and of candidates failing to qualify or otherwise not choosing to receive such funds, in each election during the four preceding calendar years, except for the initial report.
- B.) The amount of public funds provided to the authorized committees of each candidate pursuant to this Article and the contributions received and expenditures made by each such candidate and the authorized committees of such candidate, in each election during the preceding calendar year or years, as the case may be.
- C.) Recommendations as to whether the provisions of this Article governing maximum contribution amounts, thresholds for eligibility and expenditure limitations should be amended and setting forth the amount of, and reasons for, any amendments it recommends.
- D.) Analysis of the effect of this Article on political campaigns, including its effect on the sources and amounts of private financing, the level of campaign expenditures, voter participation, the number of candidates and the candidate's ability to campaign effectively for public office.
- E.) A review of the procedures utilized in providing public funds to candidates.
- F.) Such recommendations for changes in this Article as it deems appropriate.

§ C41-13. Construction of provisions.

Nothing in this Article shall be construed to prohibit the making or receipt of contributions to the extent permitted by the NEW YORK ELECTION LAW or to permit the making or receipt of contributions otherwise prohibited.

Section 3. Amendment.

Article IV of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended by the addition of a new Section 4-15 in Article IV to read as follows:

Section A4-15. Procedure for Payment of Contract Service Fee.

- A.) The County Attorney is hereby authorized, empowered, and directed, pursuant to Section 16-2 of the SUFFOLK COUNTY CHARTER, to charge an amount from the following schedule of fees for administrative services provided to contract vendors, contractors, and consultants to be imposed at the time of execution of the County contract, or contract amendment, to offset the cost of the administration of contracts entered into with the County of Suffolk for the purchase of goods, materials, supplies, public works, or for services rendered and to pay for the public financing of election campaigns established by Article XLI of the SUFFOLK COUNTY CHARTER, the equivalent amount of which said

service fee shall be credited to the Suffolk County Campaign Finance Fund:

- 1.) a fee of \$100 where the amount to be expended or received by the County of Suffolk under the contract is equal to or greater than the sum of \$10,000 but is not in excess of \$49,999;
 - 2.) a fee of \$250 where the amount to be expended or received by the County of Suffolk under the contract is equal to or greater than the sum of \$50,000 but is not in excess of \$99,999;
 - 3.) a fee of \$500 where the amount to be expended or received by the County of Suffolk under the contract is equal to or greater than \$100,000 but is not in excess of \$249,999;
 - 4.) a fee of \$1,000 where the amount to be expended or received by the County of Suffolk under the contract is equal to or greater than \$250,000 but is not in excess of \$499,999;
 - 5.) a fee of \$2,500 where the amount to be expended or received by the County of Suffolk under the contract is equal to or greater than \$500,000 but is not in excess of \$999,999; or
 - 6.) a fee of \$5,000 where the amount to be expended or received by the County of Suffolk under the contract is equal to or greater than \$1,000,000.
- B.) In those instances in which the County is obligated to make payments to a contractor, vendor, or consultant under the contract, the County may collect this fee by withholding an amount of money equivalent to such fee from such payments as a credit or offset to cover such charge. The County Department of Audit and Control, or any successor department thereto, is hereby authorized and empowered to take such action as shall be necessary to effectuate such withholding, credit, or offset.
- C.) The service charge set forth in paragraph (A) of this Section is hereby waived for religious, charitable, and not-for-profit or non-profit organizations and for other Governmental entities.
- D.) The service charge set forth in paragraph (A) of this Section shall be imposed, paid, and collected at the time of execution of the contract or contract amendment, calculated on the basis of the dollar value of said contract or contract amendment, irrespective of the duration of the contract.

- E.) Not later than the first day of March in the year 2015 and every fourth (4th) year thereafter the Board shall:
- 1.) Determine the percentage difference between the average over a calendar year of the CPI - New York - Northern New Jersey - Long Island, New York, New Jersey, Connecticut, Pennsylvania (CMSA) published by the United States Bureau of Labor Statistics for the 12 months immediately preceding the beginning of such calendar year and the average over the calendar year 2013 of such CPI - New York -Northern New Jersey - Long Island, New York, New Jersey, Connecticut, Pennsylvania (CMSA).
 - 2.) Adjust each contract service fee applicable under Section 4-15 (A) of the SUFFOLK COUNTY ADMINISTRATIVE CODE by the amount of such percentage difference to the nearest \$100.
 - 3.) Publish such adjusted contract service fee for three consecutive weeks in the Official County and Town newspapers designated by the Suffolk County Legislature. Such adjusted contract service fee shall be in effect for any election held before the next such adjustment.
- F.) The fees set forth in Paragraph (A) of this section shall be subject to adjustment as set forth in Section 41-8(J) of the SUFFOLK COUNTY CHARTER.

Section 4. Form of Proposition.

The proposition to be submitted to the electorate of the County of Suffolk pursuant to Section 9 of this law shall read as follows:

Shall Resolution No. -2010, Adopting a Charter Law to Establish a System of Public Financing and Voluntary Campaign Contribution and Spending Limits, for the Election of Suffolk County Officials Who Pledge to Refuse Donations from Registered Lobbyists, Political Action Committees, Municipal Labor Unions, and Firms Doing Business with Suffolk County, and Who Pledge to not Use Campaign Funds for Personal Purposes, by Allowing County Funding of Such Campaigns from a Sliding Scale Service Fee To Be Imposed on Contractors Doing Business with the County of Suffolk, Be Approved?

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration,

management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Applicability.

- A.) Section 4 of this law shall apply to any contract or contract amendments executed on or after January 1, 2011.
- B.) This law shall apply to all contributions made on or after January 1, 2011.
- C.) This law shall apply to all elections conducted on or after January 1, 2013.

Section 7. Effective Date.

This law shall not take effect until the first day of the first fiscal year after its approval by the affirmative vote of the majority of the qualified electors of the County of Suffolk voting upon a proposition for its approval in conformity with the provisions of Section 34 of the NEW YORK MUNICIPAL HOME RULE LAW.

___ Underlining denotes addition of new language

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: