

September 24, 2024

Frederick P. Schaffer
Chair
New York City Campaign Finance Board
40 Rector Street, 7th Floor
New York, NY 10006

Dear Mr. Schaffer:

On August 28, 2024, the New York City Campaign Finance Board (“CFB”) issued a Notice of Public Hearing and Opportunity to Comment on Proposed Rules (the “Notice”) for amendments to the CFB Rules that would make sweeping changes to the City’s campaign finance system, including significant changes to how the City defines coordination between candidates and independent spenders, electoral communications, independent expenditures, and how independent spenders must report and self-identify on communications. The CFB set September 27, 2024 as both the deadline for comments and the date for a public hearing.

The undersigned labor unions, political organizations, and non-profits—all of whom will be significantly impacted by these proposed regulations—respectfully request the CFB to exercise its discretion under City Charter Section 1043(b) to extend the period for comment and postpone the public hearing until at least November 22, 2024, after the state and federal elections on November 5, 2024, to allow sufficient time for public input. The thirty days provided by the CFB for comment is the absolute minimum required by the Charter, and we believe that the additional time requested is more than prudent given the circumstances.

The amendments the CFB has proposed are significant, and additional time for comments would allow the CFB’s constituency the needed time to assess their impact and prepare to participate with comments and hearing testimony. For example, the proposed amendments would expand the definition of coordination—including proposed standards that explicitly would take into account private actions taken at least as far back as January 12, 2022, long before the standards would be established—requiring organizations to, at minimum, engage in a comprehensive review of their electoral activities to identify what of their activity is now coordinated. Likewise, the proposed amendments would change the definitions of electoral communications and independent expenditures to include free and unpaid online communications, applying reporting and disclaimer requirements to a huge number of social media posts, emails, and other online communications that are not currently covered.

The requested additional time is all the more important given the timing of the notice, comment and hearing process. It is initiated and will occur during the final phase of the New York State and national elections that will culminate on November 5, 2024. Many of the undersigned organizations, and likely many others within the CFB’s constituency, as well as the general public, are focusing their resources and attention on these

elections. With respect to all of the proposed amendments that would directly affect the undersigned and comparable organizations, the Notice cites no legal development or other external event prompting it to act on the eve of 2025. Thus, the CFB could have initiated this rulemaking affecting the City's 2025 election long before August.

Nor was this rulemaking even foreshadowed in the CFB's 2024 Regulatory Agenda,¹ which Charter Section 1042 requires the CFB to publish every May for the ensuing fiscal year. The 2024 document only vaguely advised that rules "may include simplifying and streamlining disclosure, reporting, and recordkeeping requirements; safeguarding the disbursement of public matching funds; transition and inaugural activities; penalty assessments; contributions by individuals and entities; contributions by persons doing business with the City; ethical guidelines for Board members and Board staff; voter assistance; and the reporting of independent expenditures." Even this broad brush said nothing about redefining coordination, independent expenditures or electioneering communications, or changing disclaimer requirements for regulated communications. Further, Charter Section 1042(a)(5) requires the CFB to state "an approximate schedule for adopting the proposed rule," yet the agency stated only that a schedule was "[t]o be determined."

Extending the comment period and postponing the hearing past Election Day would allow for a fair and meaningful opportunity for input on these rules from those most impacted. The CFB cannot claim that haste is necessary due to the oncoming election year when it has been in complete control of the calendar for these proposals. For these reasons, we respectfully request that CFB both extend the deadline for comments and postpone the September 27, 2024 hearing until at least November 22, 2024.

Thank you for your consideration.

Sincerely,

Manny PASTRIECH, President, SEIU Local 32BJ
PAT KANE, RN, Executive Director, NYSNA
HENRY GARRIDO, Executive Director, District Council 37
RICH MAROKO, President, Hotel & Gaming Trades Council
DENNIS G. TRAINOR, Vice-President, District One Communication Workers of America
ROSEMARY RIVERA, Executive Director, Citizen Action of New York
ERIC THOR & KAARTHIKA THAKKER, co-chairs, NYC Democratic Socialists of America
THEO OSHIRO, Executive Director, Make the Road Action
ANA MARIA ARCHILA and JASMINE GRIPPER, Co-Executive Directors, New York State Working Families Party
ALYSSA AGUILERA and JEREMY SAUNDERS, Co-Executive Directors, VOCAL Action Fund
AUDREY SASSON, Executive Director, Jews for Racial and Economic Justice

¹ See CFB FY 2024 Regulator Agenda, *available at* <https://rules.cityofnewyork.us/wp-content/uploads/2023/05/Regulatory-Agenda-FY2024-.pdf>

Cc: Board Member Gregory T. Camp
Board Member Richard J. Davis
Board Member Lawrence Moskowitz
Board Member Dawn Smalls
Executive Director Paul S. Ryan
Interim General Counsel Josephe Gallagher
Mayor Eric Adams
City Council Speaker Adrienne E. Adams