

## 2005 Citywide Elections Contribution Limits

Mayor	Public Advocate	Comptroller	Borough President	City Council
\$4,950	\$4,950	\$4,950	\$3,850	\$2,750

Both monetary and “in-kind” contributions of goods and services are subject to these limits. In addition, contributions from corporations and PAC’s that have not registered with the CFB are prohibited.

### “Doing Business” General Questions

Do you believe there is a problem of candidates accepting contributions from those who do business with the City? How can the problem be defined or quantified? Is it one of appearance or reality or both?

What pressures are placed on individuals to make such contributions?

Do you have any examples of these pressures? Or is there an implicit notion that you must “pay to play”?

Should contributions from those who do business with the City be regulated? Do you believe legislation by the City Council or regulation by the CFB is the better avenue for addressing the problem? Should contributors or candidates be regulated?

Should the Program offer any benefit to those who agree not to take money from those who do business with the City to balance any loss of funds (similar to the increase in the matching rate when corporate contributions were outlawed)?

### “Doing Business” Substantive and Procedural Questions

What kinds of business dealings should be covered under a “doing business” disclosure requirement or regulation? Should the transactions be limited to persons or entities contracting with the City? What other kinds of transactions or relationships should be covered by such requirements (e.g., lobbying, land use, boards of public authorities)?

Should contributions from those who do business with the City be banned entirely?

If the City were to limit the size of contributions from those who do business, what is the appropriate limitation?

Should contributions to candidates in the Campaign Finance Program from those who do business with the City be matched with public funds?

Is disclosure of those who do business with the City and the contributions they make to candidates enough or should further regulations be applied?

Should there be a dollar value of business dealings that triggers the “doing business” disclosure requirement or regulation (*e.g.*, contracts over one million dollars)? Should multiple business dealings within a certain time period or by affiliated entities be aggregated to meet a dollar amount trigger?

Apart from the entity itself, should individuals connected with the entity be covered as well? If so, which individuals should be covered and how should they be defined?

Should contributions by the principals or the subcontractors of an entity “doing business” with the City trigger a disclosure or other requirement?

Should shareholders or other owners be included and, if so, at what percentage of ownership?

Should regulations extend to the family of those doing business?

To what extent might regulation in this area discourage vendors from doing business with the City or contributors from making contributions to candidates?

Should members of not-for-profit boards, who have no financial stake in transactions with the City, be included in the limitation or ban?

Should all campaigns be subject to the “doing business” disclosure requirements or regulations? Should smaller campaigns be exempt?

Should regulation be limited to campaigns for citywide office only? Should the limitation focus on the contributions to candidates for the office that has approval authority over the business in question? What about contributions to candidates for the office that has oversight authority over the business in question?

Should the “doing business” disclosure requirement or regulations apply to business dealings before, at the same time as, or after the contribution is made? What is the relevant time period?

Simplicity is needed for purposes of maintaining clarity and assisting enforcement. Complexity may be necessary to capture all or only relevant transactions when creating and enforcing regulations on contributions. Do you have any advice on how to strike the right balance between these values?

What would be an appropriate effective date for regulating this area?

How important is it to get started with some kind of regulation and to learn from the experience as opposed to arriving at more perfect rules?

## **“Doing Business” Questions for City Agencies**

What kind of business transactions is the agency responsible for tracking (*e.g.*, contracts for good and services, real estate transactions, construction services, zoning permits, licenses, lobbying)?

What kind of information does the agency maintain on individuals or entities who “do business with the City” (*e.g.*, names and addresses of contractors, dollar amount of contracts, type of business, names and addresses of those other than the entity doing business, such as principals, and how are these defined)?

How is this information maintained (*e.g.*, computer database, paper files, a combination of computer database and paper files, etc.)?

How long is information on each individual or entity kept?

How many records are kept (going back to what date)?

How often is the information updated?

Is the information readily accessible to the Campaign Finance Board? To the public?

Is the information available in electronic format? If yes, please specify. For example, can export files be easily derived (*i.e.*, is it easy to derive specific data in electronic format)? Is the information available over the internet? Is it searchable? Is it available at a publicly accessible computer terminal? Can the entire database be obtained by the public?

If the Campaign Finance Board wanted your agency to collect more information, what would be required in order to do so?

## **Questions for Agencies that Already Enforce “Doing Business” Regulations**

Do you regulate contributors or candidates?

How is “doing business” defined? Do you cover individuals connected to the entity doing business? How are they described? What time period applies for the relationship between the “doing business” transaction and a contribution to a candidate?

What enforcement mechanisms do you have?

What are the challenges/ successes of your enforcement regime?

What opportunity is there to cure potential violations?

Do you have a database of those “doing business”? What does the database consist of? Is it searchable? Is it available to the public?

How do you address problems of evasion? For example, do you have a way to address the acceptance of contributions from undisclosed subcontractors or vendors involved in the business at issue?

### **Questions for Consideration at Future Hearings**

What type of trigger should there be for “doing business” contributions when there is no easily or clearly discernable dollar value for the “business” (e.g., lobbying, some land use approvals, concessions, or franchises)?