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22-45 31st Street • 2nd Floor
Astoria, NY 11105
718.274.0007
718.274.6060 FAX

Sue Ellen Dodell
General Council
New York City Campaign Finance Board
40 Rector Street, #7
New York, NY 10006

Dear Ms. Dodell:

This letter concerns the "Term Limits Extension and the Campaign Finance Board: Candidate Guidance Document on Advisory Opinion No. 2008-7" (the "Guidance Document"). I am a City Council Member, and as a result of the extension of term limits, will seek re-election in 2009 and postpone my likely Queens Borough President candidacy until 2013. As a candidate in this position, I have two options (A) freeze my current committee until 2013, and open a new City Council committee for 2009 or (B) return all contributions over the lower office limit, and continue to use my 2009 committee for re-election. I am considering pursuing option A; however I have some questions and concerns.

My decision to postpone my likely Queens Borough President candidacy is based on Helen Marshall seeking re-election to the Queens Borough President position. However, if she changes her mind and the seat becomes vacant in 2009, it is likely that several of the previous Queens Borough President candidates, including myself, would run for her seat. I am concerned that if this situation occurs after January 15, 2009, some candidates face an unfair disadvantage. If I choose option A and freeze my 2013 campaign, and Helen Marshall decides not to seek re-election after January 15, 2009, my frozen money for the Queens Borough President race will potentially not be available to me until January 12, 2010. However Assembly Member Audrey Pheffer, a likely Queens Borough President candidate, is not required to freeze her campaign funds in order to keep all the money she raised. She is merely required to terminate her candidacy for 2009, and no provision in the Guidance Document addresses whether she will have access to this money in 2009 under the circumstances above. Further, she is free to make the decision to terminate her candidacy until June 10, 2009, or not make the decision at all and continue filing with the Campaign Finance Board. Therefore City Council members who seek other offices face a tremendously unfair financial disadvantage if this type of situation occurs.

This issue needs to be addressed immediately. While your staff has been very helpful, an answer which delays a decision to a future date is not sufficient. Therefore, please provide guidance concerning the Campaign Finance Board's plans to handle the potential for such an unfair disadvantage before the January 15, 2009 deadline.

Very truly yours,



PETER F. VALLONE JR.

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