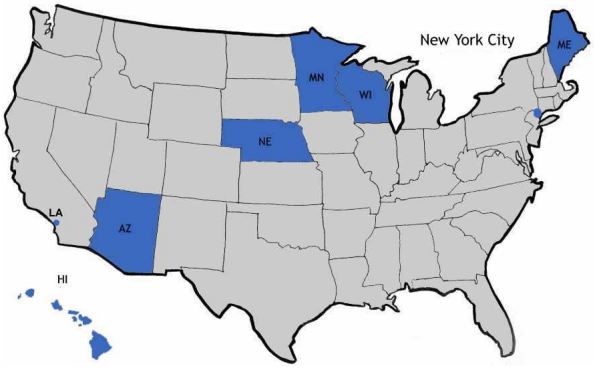
New York City Data

New York City 2001
NY City Council Elections, 1989-2003
NY City Council 2005 Elections:

Preliminary data on fundraising and expenditures, for candidates on the ballot for the 2005 elections. Funding data from the NYC Campaign Finance Board; ballot status and party from NYC Board of Elections. Updated on 8/15.



New York City

New York City Council: 51 members, elected every four years (expanded from 35 to 51 in 1991 when members ran for two-year terms; elections held in '03 and '07 years)

General Campaign Finance Law in New York City
Campaign Finance in New York City is regulated both by the city's Campaign Finance Board and the New York State Board of Elections.

Donation limits to non-publicly funded candidates for the city council are set by the State Board of Elections and are:

- For both the primary election and general election individually, $0.05 times the number of enrolled voters in the candidate's party and district (but at least $1,000, with a maximum of $50,000) for individuals, corporations, parties, Political Action Committees (PACs), and unions.
- No limit for self or spouse per election.
- For both the primary election and general election individually, $0.25 times the number of enrolled voters in candidate's party and district (but at least $1,250, with a maximum of $100,000) for family members other than the candidate and the candidate's spouse.

No person can make political contributions in aggregate greater than $150,000 per calendar year, except for a candidate or spouse when contributing to that candidate's campaign.

No corporation can make political contributions in aggregate greater than $5,000 per calendar year. Limited liability corporations and partnerships are treated as individuals, not corporations for this purpose.

Individual contributions to a state political party are limited to $84,000 per calendar year; corporate contributions to a state political party are limited to $5,000 per calendar year. Contributions to party's for "housekeeping" expenses do not count against the above limit and are, in fact, unlimited.

Campaigns cannot accept cash contributions greater than $100.

Anonymous contributions are prohibited.

Political parties are prohibited from making expenses on behalf of a candidate during a primary election.

For the 2005 council elections, candidates who voluntarily agree to limit campaign expenditures or who are certified as candidates under New York City's voluntary Campaign Finance Program, are subject to different contribution limits and to a total expenditure limit of $190,000 in the primary election and $150,000 in the general election.

All information above adapted from: New York State Board of Elections Website (http://www.elections.state.ny.us/), New York State Consolidated Laws (2004), New York City Campaign Finance Board Campaign Finance Handbook, online version (http://www.cfb.nyc.ny.us/handbook/index.html), New York City Charter (2003), and New York City Administrative Code (2003).

Public Financing — New York City Campaign Finance Program

In 1988, as result of a strong government reform movement, the City Council passed the Campaign Finance Act (CFA). In November of the 1988, the voters also approved the incorporation of the Campaign Finance Board (CFB) into the City Charter. Part of the CFA created the Campaign Finance Program (CFP), a public financing option available to candidates. The CFP matches, for qualifying candidates, private contributions with public money. In exchange, the candidates

agree to disclose their campaign finances and to abide by contribution and spending limits.

The Council and voters decided to make the CFP a more attractive fundraising option for candidates in 1998. A Charter revision passed in November 1998 produced the following changes for candidates in the CFP: it reduced contribution limits, banned corporate contributions, restricted political action committee contributions to only contributions from those PACs registered with the CFB; and changed the public matching funds rate. From 1988 until 1998, the CFP matched contributions 1-to-1, up to a maximum of $1,000 per contributor from New York City. The Charter change revised the match upward to 4-to-1, up to $250 per contributor for a maximum of $1,000 per contributor from New York City. The CFP also has a "bonus" funds provision for publicly-funded candidates running against non-publicly-funded candidates who raise or spend more than half of the spending limit for that office.

Funding for CFP comes from the following sources:
- Appropriations from the New York City general budget.
- Voluntary donations.

Candidates seeking public funds must meet the following requirements:
- A candidate must be on the ballot and be opposed by a candidate appearing on the ballot.
- Prior to certification as a CFP candidate, candidates must raise $5,000 from New York City residents.
- Candidates also need to raise at least 50 contributions of ten dollars or more from residents of the borough in which their district is located. (For 2003, 75 contributions were required; for 2005, only 50 contributions are required.)

Candidates seeking public funds must obey the following restrictions:
- A candidate must not accept any contributions greater than $2,750 over the entire election period (primary and general elections), except the candidate and his/her spouse, domestic partner, or non-emancipated children can donate up to $8,250.
- Donations from corporations and political committees (PACs, parties, and candidates committees) not registered with the CFB are prohibited.
- Contributions from non-New York City residents, individuals under the age of 18, political committees, unions, unincorporated businesses, trust funds, business accounts, limited liability companies, and partnerships, as well as funds from the candidate's previous campaigns, may be accepted but are not eligible for matching funds.
- A candidate must adhere to the total expenditure limit for the election period.
- For the 2005 council elections, candidates who are certified as candidates under the CFP are subject to a total expenditure limit of $190,000 in the primary election and $150,000 in the general election.
- The use of public funds is limited to specific campaign goods and services, as determined by the CFB.
- Unused CFP funds must be returned when the candidate leaves the race or when the election is concluded.
- There is no limit on the amount of money candidates may borrow. Under state law, however, all loans that are not paid back by the date of the election,

whether primary or general, are considered contributions, subject to the contribution limits and the assessment of penalties.

The amount of funds distributed through the CFP is determined as follows:
- Contributions are matched at a rate of four dollars in public funds for every dollar raised up to the first $250 given by an individual New York City resident, for a maximum of $1,000 per contributor.
- If a candidate has opposition on the ballot, only one-quarter of the maximum amount of public funds available to the office will be granted unless the candidate is opposed by another CFP candidate or the candidate is opposed by a candidate who the CFB has determined has raised or spent more than one-fifth of the expenditure limit. The maximum amount in total public funds granted for each election equals 55 percent of the spending limit (i.e. $82,500 for city council members) except for candidates eligible for bonus funds.
- Candidates are eligible for bonus funds if their opponent does not participate in the CFP and raises or spends more than half of the spending limit for the office. For city council candidates qualifying for the bonus, the matching ratio rises from 4:1 to 5:1, the total amount of public funds available rises from $82,500 to $100,000, and the total expenditure limitation is waived.
- The following disbursements reduce the amount of contributions eligible for matching: transfers and other disbursements from the candidate's principal committee to another committee controlled by the candidate; expenditures for a previous election; loans to, or spending for other candidates, party committees, or political clubs that are not reimbursed within 30 days; and contributions to political committees unless the aggregate of those contributions does not exceed $3,000.

All information above adapted from: New York City Campaign Finance Board Campaign Finance Handbook, online version (http://www.cfb.nyc.ny.us/handbook/index.html), New York City Charter (2003), and New York City Administrative Code (2003).

Reapportionment/Redistricting

Since 1983, reapportionment and redistricting in New York City has occurred between the arrival of census and the '03 election in each decade. The reapportionment and redistricting of the City Council follows the requirements of the New York City Charter and parts of the plan are also subject to pre-clearance under Section Five of the federal Voting Rights Act (VRA). The responsibility for reapportionment and redistricting belongs to the New York City Districting Commission whose work is subject to review by the City Council.

After a 1989 Charter revision, the Districting Commission expanded from nine to 15 members. The majority party in the City Council appoints five members, no more than one of whom may be from the same borough, and the minority party in the City Council appoints three members, no more than one of whom may be from the same borough. The mayor appoints seven members, but the party membership, of the mayoral appointees cannot be such that one political party has a majority on the Commission. The members of the Commission shall elect one of its 15 members to serve as chairperson. The Commission must have

at least one resident of each borough and members of the racial and language minority language groups in New York City which are covered under the VRA, in rough proportion, to their population in the city.

The Commission must submit its plan to the City Council at least one year before the general election of the City Council to be held in the '03 year—its process of submission usually entails the release of a preliminary draft, followed by public hearings, and then adoption of revised plan that is sent to the Council. The submitted plan is thus considered adopted, unless, within three weeks, the City Council, by majority vote, raises objections to the plan and returns the plan to the Commission with the written objections of all Council members. Upon the receipt the objections, the Commission must provide for public and City Council review a revised plan by ten months before the general election. Following this review, the Commission shall submit, prior to eight months before the general election, a final plan.

Reapportionment/Redistricting Provisions

Section 52 of the City Charter and Section Five of the VRA govern reapportionment and redistricting. The following criteria are, in order, the priorities stated in the City Charter:

- The population deviation between the least populous and the most populous districts must be below ten percent of the average population for all districts. Any differences greater than ten percent must be justified by the other criteria.
- The plan must ensure the fair and effective representation of the racial and language minority groups that are protected by the VRA. The affected areas under Section Five of the VRA are New York County (Manhattan), Bronx County, and Kings County (Brooklyn).
- District lines should keep intact neighborhoods and communities with established ties of common interest and association, whether historical, racial, economic, ethnic, religious or other.
- Each district shall be compact and shall be no more than twice as long as it is wide.
- A district shall not cross borough or county boundaries. If any district includes territory in two boroughs, then no other district may also include territory from the same two boroughs.
- Districts shall not be drawn for the purpose of separating geographic concentrations of voters enrolled in the same political party into two or more districts in order to diminish the effective representation of such voters.
- The districting plan shall be established in a matter that minimizes the sum of the length of the boundaries of all the districts in the plan.
- Each district shall be contiguous, and whenever a part of the district is separated from the rest of the district by a body of water, there shall be a connection by a bridge, a tunnel, a tramway or by regular ferry service.

1991 Reapportionment/Redistricting

The 1991 reapportionment and redistricting coincided with sweeping reforms in New York City government that included expanding the City Council from 35 to 51 seats. The Districting Commission began its work in May 1990 and issued its initial plan on May 1, 1991, with the hope that districts could be established in time for a November election in which all City Council seats would be up for

election to temporary two-year terms. The plan's intention was to increase minority representation on the Council from one-quarter to one-third of the total seats. This plan was roundly criticized for failing to increase minority representation enough; however, the Commission's final plan, issued on May 16 and approved on June 4, held the proportion of majority-minority districts at one-third of the total. The Commission forwarded the plan to the U.S. Department of Justice (DOJ) for review under the VRA.

The Puerto Rican Legal Defense and Education Fund challenged the Commission's final plan in federal court, arguing that the plan underrepresented the city's Hispanic population. The federal court initially granted a week-long temporary injunction that halted activity related to 1991 election but then dismissed the suit on its face since the DOJ had not yet pre-cleared the plan.

On July 19, the DOJ rejected the Commission's plan, stating that it "consistently disfavored" Hispanic voters and thus violated the VRA. The Commission responded with a revised map (adjusting boundaries for districts in Brooklyn and Queens) on July 26; the DOJ approved this new map on July 27.

On July 31, another federal court approved 25 temporary election law changes, including eliminating district residency requirements for candidates and decreasing the number of qualifying signatures needed, so as to allow the 1991 elections to proceed under a compressed schedule.

New York City used this plan for all elections from 1991 through 2001.

2003 Reapportionment/Redistricting

The Districting Commission began its work on July 25, 2002. After a series of public hearings, the Commission issued its preliminary plan on October 25. The most obvious changes adjusted districts in Brooklyn that extended into neighboring boroughs. Attempts were made to increase Hispanic voting strength by merging predominately Hispanic areas of Brooklyn and Queens into one district. The Commission also created an additional majority-minority district in Brooklyn comprised of Hispanics and Chinese residents. Neither minority groups nor the mayor backed this initial plan.

The Commission issued a revised plan and forwarded it to the City Council on December 18. In order to lower the total deviation, the Commission split a district between Staten Island and Brooklyn rather than Queens and Brooklyn. The Commission also created a total of 12 Hispanic-majority districts and concentrated Brooklyn's Asian population in one district. The largest dispute related to the new maps dealt with the placing of a Russian-speaking minority within Brooklyn's districts. The Commission gave final approval to its plan on February 26, 2003 and forwarded it to the DOJ on March 4. The final plan contained 23 majority-minority districts out of 51 total districts.

New York City intends to use this plan for the 2005 and 2009 elections.

Wisconsin Campaign Finance Project
Kenneth R. Mayer
Department of Political Science
University of Wisconsin-Madison
kmayer@polisci.wisc.edu