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Herman D. Farrell, Jr.
State Chair

June 24, 2003

Nicole Gordon, Executive Director
New York City Campaign Finance Board
40 Rector Street
New York, New York 10006

Dear Ms. Gordon:

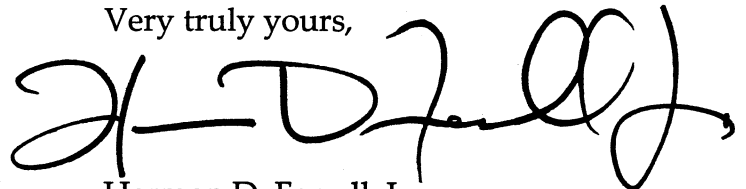
Pursuant to Campaign Finance Act §3-708(7) and Campaign Finance Board Rule 7-04, I hereby request an advisory opinion on the issues set forth below.

As you aware the Mayor has appointed a Charter Revision Commission to put before the voters the issue of eliminating party primaries. The Chair of that Commission has publicly stated (even before the Commission was convened) that such a proposal will be placed before the voters. The issue of the elimination of party primaries is an issue of significant concern to all of the citizens of the City of New York as it will affect not only how its government is chosen, but also, ultimately, who will make up that government. It is an issue that candidates for public office will be asked to address by their constituents and is, of course, also of immediate interest to those candidates. It is also an issue that members of the city government, and particularly the Members of the City Council, may address (subject to a public referendum) in their own consideration of the Charter and possible action to amend that Charter. I, therefore, inquire as follows:

1. May a candidate for city office who is participating in the Campaign Finance program establish a separate committee to raise and spend money solely to publicize through print and broadcast media a position on the proposed Charter revision to eliminate party primaries without the contributions and expenditures being subject to the contribution and expenditure limits of the Campaign Finance Act? Does it make a difference whether the candidate's name is included either in the body of the publicity or as sponsor of the publicity or is not mentioned at all?
2. May a candidate expend money raised through his or her campaign committee (and subject to the contribution and expenditure limits of the Act) to publicize through print and broadcast media a position on the proposed Charter revision to eliminate party primaries? Does it make a difference whether the candidate's name is included either in the body of the publicity or as sponsor of the publicity or is not mentioned at all?
3. May a candidate expend matching funds received as a result of the candidate's participation in the Campaign Finance program to publicize through print and broadcast media a position on the proposed Charter revision to eliminate party primaries? Does it make a difference whether the candidate's name is included either in the body of the publicity or as sponsor of the publicity or is not mentioned at all?

I look forward to an expeditious response from the Board to these inquiries and am, of course, available, to meet with the Board or staff to answer any questions or provide any additional information that may be necessary for the Board to frame its response. I can be reached at 212-725-8825.

Very truly yours,

A handwritten signature in black ink, appearing to read 'H. D. Farrell, Jr.', written in a cursive style.

Herman D. Farrell, Jr.
State Chair