Resolution to Amend 9 NYCRR Subtitle V Part 6221 Related to the Public Campaign Finance Program Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, on April 3, 2020, the Governor signed into law Chapter 58 of the Laws of 2020, concerning, among other things, the creation and implementation of a public campaign finance program for New York State; and

WHEREAS, Election Law § 14-207(1) provides that: "the (Public Campaign Finance Board) shall promulgate such regulations as are needed no later than the first day of July, two thousand twenty-one;" and

WHEREAS, Election Law § 14-207(4) provides that the Public Campaign Finance Board" shall have the authority to promulgate such rules and regulations and provide such forms as it deems necessary for the administration of this title;" and

WHEREAS, Election Law § 14-211 provides that the Public Campaign Finance Board shall "promulgate regulations to facilitate debates among participating candidates who seek election to statewide office;" and

WHEREAS, Election Law § 14-209(1) provides that the Public Campaign Finance Board shall "promulgate a regulation setting forth a schedule of fines for….infractions including those that it may assess directly on violators;" and

WHEREAS, the Public Campaign Finance Board previously caused three sets of proposed rule making to be published via Notice of Proposed Rule Making in relation to the public campaign finance program: 1) Program Regulations duly published in the New York State Register on August 18, 2021 (I.D No. SBE-33-21-00010-P), 2) Debate Regulations, duly published in the New York State Register on September 29, 2021 (SBE-39-21-00003-P), and 3) Enforcement
Regulations, duly published in the New York State Register on November 17, 2021 (SBE-46-21-00001-P); and

WHEREAS, subsequent to the publication of these proposals, public comments for all three sets of the proposed rule making had been received and considered by the Public Campaign Finance Board; and

WHEREAS, by the unanimous vote of the Commissioners present at a meeting held on May 2, 2022, this body voted unanimously to issue a Notice of Revised Proposed Rulemaking that incorporated amendments to all three proposal based on public comments received; and

WHEREAS, the Public Campaign Finance Board caused three sets of revised proposed rule making to be published via Notice of Revised Proposed Rule Making in relation to the public campaign finance program: 1) Program Regulations duly published in the New York State Register on June 22, 2022 (SBE-33-21-00010-RP), 2) Debate Regulations, duly published in the New York State Register on May 25, 2022 (SBE-39-21-00003-RP), and 3) Enforcement Regulations, duly published in the New York State Register on May 25, 2022 (SBE-46-21-00001-RP); and

WHEREAS, five public comments were received with regard to these three proposals; and

WHEREAS, staff recommends nonsubstantive amendments to the draft program regulations to address public comments;

NOW THEREFORE BE IT RESOLVED that the amendments to Part 6221, attached hereto, are hereby adopted and the Office of Counsel is authorized to file a Notice of Adoption indicating that such Part shall be effective upon publication in the New York State Register, and that further authority is granted to the Office of Counsel to file such other documents as may be required for the publication of such Notice of Adoption in the New York State Register and to effectuate the amendment of Part 6221 to Title 9 of the NYCRR.