

# 1199SEIU

United Healthcare Workers East

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September 14, 2016

New York City Campaign Finance Board  
100 Church Street, 12<sup>th</sup> Floor  
New York, NY 10007

Dear Commissioners:

I write on behalf of 1199SEIU United Healthcare Workers East (“1199” or the “Union”) regarding the above-referenced Notice of Proposed Hearing and Opportunity to Comment on Proposed Rules issued by the Campaign Finance Board on August 15, 2016. 1199 has reviewed the notice and respectfully submits the following comments on the proposed rule amendments.

1199 regularly engages in both electoral and legislative advocacy, communicating with its members and with the public regarding candidate endorsements and issues of public concern. Under the proposed rule, any of these communications that feature candidates for New York City office could be subject to a vague and burdensome investigatory process at the broad discretion of the Campaign Finance Board, whether or not they advocate for the election or defeat of any candidate.<sup>1</sup>

The proposed Rule 1-08(f) creates a presumption of coordination when even one of eight enumerated factors is present in a communication. The factors include whether the independent spender is also an “agent” of the campaign, a term that the CFB does not define and whether the candidate has participated in the operation of the entity making an expenditure. Those and other factors are described in such vague and expansive terms that the Campaign Finance Board is left with broad discretion to find the presence of a factor given 1199’s longstanding relationships and contacts with elected officials and candidates. Therefore, the presumption may attach even when there is no actual evidence that a candidate or committee authorized, requested, suggested, fostered, or otherwise cooperated in an 1199 communication.

Once a communication is presumed to be coordinated, an independent

<sup>1</sup> In Advisory Opinion 2016-1, the Campaign Finance Board announced the factors that it will use to determine whether a communication is related to a covered election, providing that when multiple factors are present a communication will be presumed to be election-related if made during an election year, and may be found election-related at any other time. Several of those factors are present in any effective legislative advocacy campaign.

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