



October 21, 2008

Ms. Sue Ellen Dodell
General Counsel
New York City Campaign Finance Board
40 Rector Street, 7th Floor
New York, NY 10006

Re: DRAFT GUIDELINES IN RESPONSE TO POTENTIAL EXTENSION OF TERM LIMITS

Dear Ms. Dodell:

I submit these comments in response to the New York City Campaign Finance Board's ("CFB") issuance of the Draft Guidelines in Response to Potential Extension of Term Limits. I am one of the 188 active candidates registered with the CFB for a New York City political race in 2009. Specifically, I have registered as a candidate to represent the 11th New York City Council District.

If the New York City Council and the Mayor choose to amend the New York Charter through proposed legislation that will provide for an additional term of four years for current elected officials, I will likely withdraw from the race. I work for the incumbent Council Member who will almost certainly seek a third term. Thus, my comments will address the portion of the draft guidelines entitled, "**GROUP 2: Candidates who choose not to run in 2009, but may plan to seek office in 2013.**"

I strongly support the proposed option of allowing current candidates who abandon their campaigns to maintain an existing campaign committee for a 2013 campaign for the same office. I have worked hard to raise the funds that I had hoped to utilize for a run in 2009 with the expectation that the current law on term limits would remain in effect. My contributors, the majority of whom live in the 11th Council District, also assumed that their contributions would be used for a 2009 Council run. That being said, my contributors understand the power of incumbency and do not expect me to continue with my campaign given that the current Council Member will choose to run. I have spoken with many of my contributors and they were surprised to hear that there is possibility that I will not be able to keep their donations for a 2013 race. Again, I believe candidates who decide not to go forward in 2009, should be able maintain their existing committees for 2013 race for the same office.

I find the language regarding matching funds to be unclear. Specifically, the draft rule that states, "Contributions to the committee would be eligible for public matching funds for a 2013 election" is slightly ambiguous. Does that mean the funds raised for the 2009 race that are

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eligible for matching funds will continue to be so eligible for a 2013? If not, I strongly suggest that the funds raised by a candidate who abandons his/her race in this cycle be eligible for public matching funds for a 2013 race. By registering with the CFB and complying with its rules, candidates should be rewarded for their efforts with the public funding promised by the program. Again, we ran with the good faith expectation that the term limits laws would not be changed and we should not be punished for this self-serving, end run around democracy that the incumbents in the City Council have made.

I agree with proposal that the spending on the 2009 election should not be charged against the 2013 spending limits. However, I strongly disagree with proposed rule to charge an arbitrary "15 percent fundraising allocation for spending against the candidate's cash on hand as of January 11, 2010" and to count the total, "against the candidate's out-year spending limit for the 2013 election." It is unfair to penalize candidates for having raised funds in the earlier cycle given the unexpected change in the term limits law. Only funds actually expended for the 2013 races should be charged against the spending limits of the program.

I appreciate the opportunity to comment on these draft guidelines. Unlike the current debate over the term limits extension in the City Council, I am confident that the CFB will carefully consider the comments of the participants in the program and all interested parties. I look forward to seeing the formal advisory opinion.

Sincerely,

Jamin R. Sewell

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