

TO: Greenburgh Town Supervisor

CC: Greenburgh Town Council
Greenburgh Town Clerk

OPINION 2014-6

Background

This Advisory Opinion addresses a question received in two emails from Town Supervisor Paul Feiner regarding the possible impact on the Greenburgh Code of Ethics of recent court rulings on campaign contributions restrictions.

An email to the Board of Ethics dated April 24, 2014 stated:

"A federal judge on Thursday overturned New York's cap on contributions to independent political-action committees, saying it violates a U.S. Supreme Court ruling that allows unlimited spending in elections.

http://online.wsj.com/article/SB10001424052702303380004579522162099186716.html?mod=rss_US_News

My question to the Ethics Board: Does the US Supreme Court ruling impact the Greenburgh Ethics code re: acceptance of campaign contributions?

I would appreciate an analysis and interpretation."

On April 30, 2014 Mr. Feiner sent an email to the Board of Ethics which, in relevant part, contained the following wording and website reference on the subject of the Court ruling re campaign contributions.

*"Recently I sent the Board of Ethics a note asking for an opinion on whether our Code of Ethics meets the standards set by the United States Supreme Court re: campaign contributions. The Supreme Court states in *McCutcheon V Fed Election Comm. Part IV*, at pages 18-19 that "the court has identified only one legitimate governmental interest for restricting campaign finances: preventing corruption or the appearance of corruption. *** Moreover...Congress may target only a specific type of corruption--quid pro quo corruption."*

I think it would be appropriate for the Board of Ethics to review the Supreme Court ruling and our code and advise if you think the current code complies with the Supreme Court ruling. It is possible that some sections of our law may be in compliance. Other sections may violate the court decision. You may also find that our code does meet the US Supreme Court standards. I would welcome your review and comments."

http://www.supremecourt.gov/opinions/13pdf/12-536_e1pf.pdf

Opinion

The ruling in the matter of McCUTCHEON V FEDERAL ELECTION COMMISSION rendered in a five to four decision in early April struck down the cap on the total amount any individual can contribute to federal candidates in any two year period. The decision did not affect familiar base limits of \$2,600 per individual candidate in primary and general elections but removed the limits of \$48,600 by individuals every two years for contributions to all federal candidates.

It is the opinion of the Board of Ethics that the court ruling does not affect the Greenburgh elections at this time. There has been no request to revise the Greenburgh Code nor has there been a challenge to it. The decision was specifically directed, at this time, to Federal elections,

BY THE BOARD OF ETHICS

Adopted at May 12, 2014 Meeting

Voting for:

Mr. Eisen
Ms. Friedman, Esq.
Mr. Hopkins, PhD
Mr. McLaughlin

April 24

April 30

PAUL FEINER