

Frequently Asked Questions (FAQs) About Campaign Financial Disclosure

Registering

- Q. Register a Candidate or Committee** – Must I register as a candidate or committee? If so, how do I register?
- A.** All candidates running for office in New York State, must register with the New York State Board of Elections to disclose all campaign finance activity either through an authorized committee or by the candidate directly (*unless running in NYC for: Mayor, Public Advocate, City Council, Comptroller or Borough President. If so, please register with the NYC Campaign Finance Board*). In addition, all political action committees, party/constituted committees, independent expenditure committees, and ballot proposition committees active in New York must register with the New York State Board of Elections. Please note: there is no longer a \$1,000 threshold requirement to register with the New York State Board of Elections; candidates and committees must register regardless of the amount they are expecting to raise or spend.

Register with the New York State Board of Elections (NYSBOE) by submitting, where applicable, CF-02, CF-03, CF-04, and CF-16 forms. The applicable forms must be submitted by:

- A treasurer of a political committee; or
- A candidate with a registered authorized committee that would disclose all of the financial activity of the candidate's campaign including all of the financial activity of the candidate; or
- A candidate who does not have a registered authorized committee that would disclose all of the financial activity of the candidate's campaign, including the financial activity of the candidate; or
- A candidate who has a registered authorized committee but chooses to have financial activity for the campaign that will not be disclosed by the authorized committee.

Note: Use these forms to register and obtain the required Filer ID used to file electronically with NYSBOE. Forms must be submitted with original signatures in ink; electronic copies are not accepted.

Please note: The NYS Public Campaign Finance Program launched on November 9, 2022. This is a program for certain statewide and state legislative candidates, allowing them the ability to qualify for public matching funds based on eligible contributions from in-district residents. Candidates participating in the Program MUST use an authorized committee for their campaign. If you are interested in participating in the NYS Public Campaign Finance Program, you may find more information and the appropriate PCF-21 Committee Registration Form on the PCFB website at <https://pcfb.ny.gov>.

- Q. Exemption from Registration/Filing** – Are there any circumstances where candidates/committees are exempt from registering and filing disclosures with NYSBOE?
- A.** Yes. There are three circumstances where a candidate/committee would be exempt:
- Candidate has not/will not receive or spend more than \$50 for their campaign, including their own personal funds (this includes a candidate for member of a county committee of a

political party or any candidate for delegate or alternate delegate to a judicial district convention that will not spend more than \$50);

- Ballot proposition committee has not/will not raise or spend over \$100 relative to the ballot proposition;
- Candidate for public office/single candidate authorized committee/ballot proposition committee in a town, city or village having a population under 10,000, where the candidate/committee does not raise or spend in excess of \$1,000 in the aggregate on the campaign. This includes the personal funds of the candidate.

When any of these three circumstances applies, the candidate/committee shall only file a CF-05 Claim of Exemption with NYSBOE.

Note: If after submission of this form the basis for a claim of exemption becomes invalid due to a change in circumstance (e.g., exceeding monetary threshold or scope of candidate/committee activity requires filing), the candidate/committee must then register and file all applicable election reports.

Filing Reports Electronically

Q. Electronic Filing – How do I file reports electronically with NYSBOE?

A. Electronic filings must be submitted to NYSBOE via the EFS Web Application. Once a candidate/committee is registered, the treasurer will receive an email to set-up its account on the EFS Web Application.

Q. Amending a Filing – How do I amend a previously submitted report?

A. Amending a previously submitted report is done via the EFS Web Application. This includes reports that were originally created in older desktop versions of EFS. The original filing, as well as any subsequent amendments, will be viewable on NYSBOE's Public Disclosure webpage.

Reporting

Q. No-Activity Report – If I have not had any campaign activity during a reporting period, do I need to file? If so, what, and how do I file it?

A. Yes, you still must file campaign financial disclosures.

All candidates and/or registered committees are required to file January and July periodic reports until termination. Primary, General and Special Election filing requirements are triggered by candidate/committee activity. If the candidate/committee has had no activity, (no receipts and/or expenditures, such as interest, dividends or bank charges; no outstanding loans/liabilities) during a reporting period, the candidate/committee is still required to file a No-Activity Report. This report can be filed on the EFS Web Application, or on paper using the *Termination or Resignation Request Form/No-Activity Report Form (CF-18)*.

Q. 24-Hour Notice – Must a 24-Hour Notice be filed when a campaign committee receives a transfer from a party or constituted committee?

A. No. 24-Hour Notices are only required for contributions or loans in excess of \$1,000. Transfers are not contributions or loans. They are an exchange of funds or anything of value between political committees authorized by the same candidate and taking part solely in his/her campaign, or any exchange of funds between a party or constituted committee and candidate or any of his/her authorized committees.

- Q. “Bounced Checks”** – How should a contribution that is returned for insufficient funds (a “bounced” check) be reported?
- A.** The receipt of the check is reported using the appropriate transaction type based on contributor, which increases the committee’s balance. The returned check is then reported using the Contributions Refunded transaction type, which decreases the committee’s balance.
- Q. Letters of Indebtedness/Forgiveness** – Are candidates required to submit letters of indebtedness or forgiveness if they loaned their campaign money?
- A.** Yes, like with all loans, evidence of indebtedness/forgiveness must be submitted for any loans received from candidates and their family members (or any other lender). These supporting documents may be uploaded by the filer into the EFS Web Application.
- Q. PayPal/Venmo/ActBlue/WinRed/GoFundMe/Online Payment System** – How should contributions using an online processor where the recipient is charged a fee be reported?
- A.** The total contribution is reported using the applicable contribution transaction type, and then the fee charged by the online processor is reported under Expenditures/Payments.
- Q. Negative Balance** – How does a filer correct a negative balance on its reports?
- A.** In order to correct a negative balance, compare publicly disclosed report(s) with the committee's internal records and make amendments to the report(s) as necessary within the EFS Web Application. The original filing, as well as any subsequent amendments, will be viewable on NYSBOE's Public Disclosure webpage.
- Q. Report Balance** – Are there any transaction types that do not affect the report cash balance?
- A.** In-Kind Contributions Received, Loan/Liability Forgiveness, Outstanding Loans/Liabilities, Attribution to Partners/LLC Owners, Subcontractor Information, and Expense Allocation Among Candidates do not affect the cash balance of the report. These transaction types perform a record-keeping function, can serve as a tool for filers, and are informational.

Signatures

- Q. Signatures** – Can NYSBOE accept copies or facsimiles of signatures (or electronic signatures) on registration or other forms?
- A.** No. Original signatures in ink are required. Copies of signatures, including those on faxes, PDFs, or other electronic files are not acceptable. However, please note that electronic copies of other documentation, such as letters of resignation, promissory notes, and letters of forgiveness are permissible.

Political Communication

- Q. “Paid for By”** – When does a campaign have to use the term “paid for by...” in political advertisements?
- A.** Effective January 1, 2020, all political communications must identify the political committee paying for the advertisement or communication in a clear or prominent manner to read or be spoken as follows: **“Paid for by [the name of the political committee making the expenditure]”**.

- The disclosure shall be required on all modes of political communications including, but not limited to, brochures, flyers, posters, mailing, or internet advertisements, radio, television, and automated telephone calls.
- Promotional items which support a particular candidate, election or ballot measure or issue and limit the content to the name, office and brief message of support are exempt from this requirement. Promotional items are items of nominal value that are distributed to the general public including, but not limited to, pens, bumper stickers, yard signs, buttons, shirts, bags, or balloons.
- Digital media which limits the content of communication to name, office and brief message and which is unable to contain the “paid for by” statement due to its small size may comply with this requirement by containing a link to another webpage where the “paid for by” statement is prominently displayed.
- Independent Expenditure committees must comply with this requirement in addition to existing disclosure requirements regarding political communications for such committees.

Fundraising

Q. Anonymous Contributions – Can the committee accept contributions from anonymous sources?

A. No. Anonymous contributions are prohibited. If a committee accepts an anonymous contribution, it must be reported as received on the appropriate disclosure report and then remitted to the Office of the State Comptroller, ATTN: Remittance Control, 110 State St., 2nd Fl., Albany, NY, 12236. The memo of the check should indicate "Disposition of Anonymous Contributions Pursuant to E.L. 14-128". The remittance is disclosed under the Expenditures/ Payments transaction type.

Q. Cash Contributions – Can the committee accept cash contributions?

A. Yes, however, cash contributions over \$100, in the aggregate for the applicable time period (election cycle for candidates and their committees; calendar year for party/constituted committees, IE committees, ballot proposition committees, and PACs) are not allowed. The excess over the \$100 aggregate must be refunded and the refund must be reported.

Q. Door Prizes – How should we report contributions given to the campaign in the form of door prizes?

A. Items contributed by individuals or businesses must be reported as In-Kind (Non-Monetary) Contributions. The value of in-kind contributions must be reported at the fair market, retail value. Aggregate contributions (all contributions from one contributor) greater than \$99 must be itemized, reporting contributor's name, address, and any other required details.

Q. Raffles – What are the rules regarding raffles, “50-50s” or any other games of chance in regard to campaign fundraising?

A. Raffles, “50-50s” or any other games of chance are illegal and not allowed for campaign finance purposes under NYS Racing, Pari-Mutuel Wagering and Breeding Law. For further information, contact the NYS Gaming Commission (518-388-3300) or the Attorney General (518-776-2000).

Campaign Materials

Q. Campaign Materials – What are the requirements for submitting campaign materials to NYSBOE?

A. Any filer required to file primary, general and/or special election reports must, at the same time

the applicable post-election campaign financial disclosure report is due, submit copies of all of the filer's campaign materials, purchased or produced by or under the authority of the person filing the post-election report, or the committee or the person on whose behalf it is filed. (EL 14-106.)

Campaign materials include all broadcast, cable or satellite schedules and scripts, internet, print and other advertisements, pamphlets, circulars, flyers, brochures, letterheads, and other printed matter.

Submissions of campaign materials:

- Can include duplicate originals (e.g., posters, flyers, buttons, etc.) or legible photocopies.
- May be photographed when, for practical purposes they cannot be readily reproduced in a paper copy because they are large, unwieldy items, (e.g., billboards, sandwich boards, etc.).

Effective January 25, 2021, filers are able to upload their campaign materials directly into the EFS Web Application.

Penalties

- Q. Correspondence/Legal Documents** – What should a treasurer/candidate do if he/she receives correspondence/legal documents from NYSBOE?
- A.** If you receive a letter or are served with legal documents from NYSBOE, do not ignore them. Contact NYSBOE immediately. There are significant consequences, for both treasurers and candidates, which may include penalties for failure to comply with the requirements of the New York State Election Law relating to campaign finance. Please call 1-800-458-3453.

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