

CAMPAIGN FINANCE: Frequently Asked Questions

REGISTERING: WHO and HOW does a candidate or committee register?

State Authorized Single Candidate Committee (Type 1)

- Register with the New York State Board of Elections (NYSBOE)
 - Submit CF-02, CF-03
 - The candidate submits the CF-16 (no CF-04 required)
 - NYSBOE will send you a Filer ID#

Local Authorized Single Candidate/Committee (Type 1)

- Register with the New York State Board of Elections (NYSBOE)
 - Submit CF-02, CF-03
 - The candidate submits the CF-16 (no CF-04 required)
 - NYSBOE will send you a Filer ID#

State or Local Candidate *without* an Authorized Committee

The **CF-04 Form** should only be used by candidates to register with NYSBOE to obtain a Filer ID#, in one of two circumstances:

- The candidate does not have a registered authorized committee (e.g., "Friends of Jane Smith") and is therefore required to personally disclose all the financial activity of the campaign, including any use of his/her own money.
- The candidate has a registered authorized committee but chooses to have financial activity for the campaign that will not be disclosed by the authorized committee.

Political Action Committee (PAC) (Type 2)

- Submit CF-02 to NYSBOE

Constituted and Party Committees (Types 3-7)

- Submit CF-02 to NYSBOE
- Submit CF-03 as applicable
- Candidate submits CF-16 if disclosure is only through constituted/party committee

Constituted and Party Housekeeping Committees (Types 3H-7H) (Only required to file January and July Periodic Reports)

- Submit CF-02 to NYSBOE

Independent Expenditure Committee - Candidate (Unauthorized) (Type 8)

- Submit CF-02 to NYSBOE

Independent Expenditure Committee - Ballot Proposition (Type 8)

- Submit CF-02 to NYSBOE

Others (e.g. Multi-Candidate Committee) (Type 9)

- Submit CF-02 to NYSBOE
- Submit CF-03
- Candidate submits CF-16 as applicable

Ballot Issue Committee (Type 9B)

- Submit CF-02 to NYSBOE

Can I file the Candidate or Committee Claim of Exemption from Filing Campaign Financial Disclosure Reports, CF-05?

A candidate or committee can file this form with NYSBOE when:

- Candidates who do not receive or spend more than \$50 (this threshold includes their own personal funds), including candidates for county committee of a political party or for delegate or alternate delegate to a judicial district convention, must inform NYSBOE in writing of this fact.
- A committee formed solely to support or oppose a ballot issue, that does not raise or spend over \$100, is not required to file campaign finance disclosure reports.
- Candidates and authorized committees solely supporting one candidate for public office, or solely supporting or opposing a ballot proposition, in towns, cities or villages having a population under 10,000, where the candidate and/or committee does not raise or spend in excess of \$1,000 in the aggregate for the campaign, are not required to file campaign financial disclosure reports. This threshold includes the personal funds of the candidate.

Filing: How to file reports with the NYSBOE?

All candidates and committees now file their Election Reports and January/July Periodic Reports electronically. Visit elections.ny.gov for information.

No-Activity: File a Financial Disclosure Report?

There has been no campaign activity during a report period – file a disclosure report?

Yes, ALL candidates and/or registered committees are required to file January/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, (i.e., receipts and/or expenditures, such as interest, dividends and bank charges; any outstanding loans/liabilities) during any required reporting period, the candidate/committee is still required to file, in this instance a **No-Activity Report**.

The No-Activity Report can be filed electronically with just a filer ID and pin # through Campaign Finance on elections.ny.gov; or on paper using the Termination or Resignation Request Form / No-Activity Report Form CF-18.

Tips on Preparing and Reporting Campaign Financial Disclosure Reports

24-hour Notice

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

- No, 24-Hour Notices are only required for contributions or loans in excess of \$1000. Transfers are not contributions or loans and a 24-Hour Notice is not required.

Amending

How do I amend my campaign finance financial disclosure reports?

- ALL amendments need to be made through the Electronic Filing System's Web Application on elections.ny.gov. This includes filings that were originally created in old downloaded desktop versions of EFS.

Anonymous Contributions

Can the committee accept contributions from anonymous sources?

- No. 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.

Bank Fees

Where do I report bank fees?

- Bank Fees must be reported under the Expenditures/Payments transaction type. Make sure the fees are reported in the appropriate reporting period.

Bounced Checks

How should a contribution that is returned for insufficient funds, (a "bounced" check) be reported?

- 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 on the Contribution Refund transaction type, which decreases the committee's balance.

Cash Contribution

Can the committee accept cash contributions?

- Yes, however, cash contributions over \$100, in the aggregate for the applicable time period (election cycle for candidate(s); calendar year for party/constituted committees, IE committees and PACs) are not allowed. The excess over the \$100 aggregate must be refunded and the refund must be reported. **Example:** Friends of Jane Doe has three \$40 fundraisers during her four-year election cycle and receives a \$40 cash contribution from individual John Q. Public at each of three fundraisers. The third \$40 contribution brings Mr. Public's aggregate contribution to \$120 which now exceeds the \$100 cash limit. The committee must refund the excess \$20 to Mr. Public and report the refund.

Door Prizes

How should we report door prize contributions?

- 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 fair market retail value. Aggregate contributions (all contributions from one contributor) greater than \$99 must be itemized, reporting the contributor's name, address and any other required details.

Limited Liability Companies (LLCs/PLLCs)

How do I report contributions from LLC/PLLCs?

- Contributions from LLCs/PLLCs are reported under Monetary Contributions Received from All Other. These contributions must be attributed to the specific member owners in direct proportion to each member's ownership interest.

Loans

How are loans reported?

- If the committee receives a loan, it is reported using the Loans Received transaction type. If the committee repays a loan (partially or in full), it is reported using the Loan Repayments transactions type. If any or all of an outstanding loan is forgiven, it is reported using the Liabilities/Loans Forgiven transactions type.

What loan documentation needs to be submitted to NYSBOE?

- Documentary evidence of the loan (indebtedness) includes the amount, terms and conditions of the loan (via letter or promissory note). Similar documentation is required to be filed when a loan is forgiven. Include the Filer ID on all correspondence. This supporting documentation may be uploaded right into the EFS Web Application.
- Note: Any outstanding loads as of the date of the primary, general or special election or loans that are forgiven are considered contributions and subject to contribution limits. For more specific information, please consult the Campaign Finance Handbook.

Negative Balance

How do I correct a negative balance?

- 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 subsequently submitted amendments, will be viewable on the NYSBOE's Public Disclosure webpage.

Non-US Contributions

What if the committee receives a contribution from outside the United States?

- Only citizens of the United States, or permanent legal residents (green card holders in permanent status) may contribute to your political campaign. If you have received a contribution from someone who is not a U.S. citizen or permanent legal resident, you must refund that contribution and report the refund. If the contribution marked as D/Deficient in the review of this filing is actually from a U.S. citizen or permanent legal resident living abroad, you do NOT need to refund the contribution but you need to provide NYSBOE with an explanation relative to that person's legal status.

"Other" as a Purpose Code

When do I have to use the "Explanation" field?

- If the purpose code "Other" has been used, the field for "Explanation" must be filled in. When you are so advised, amend your report to include that explanation.

PayPal/Venmo/ActBlue/GoFundMe/Online Payment System

How should contributors using an online payment service where the recipient is charged a fee) be reported?

- The total contribution is reported using the applicable contribution transaction type, then the fee charged by the online processor would be reported under the Expenditures/Payments transaction type.