



STATE BOARD OF ELECTIONS

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Campaign Finance 2013 Filer Update

This notice contains updated information from the New York State Board of Elections (NYSBOE) concerning Campaign Finance. Please continue to check the NYSBOE's website (www.elections.ny.gov/CampaignFinance) for all information and instructions when registering candidates/committees and filing campaign financial disclosure reports. For a full understanding of your legal obligations and responsibilities, refer to the NYS Election Law and Related Rules and Regulations and the Opinions of NYSBOE. Visit www.elections.ny.gov or call 1-800-458-3453.

Campaign Finance Seminars

We will be presenting our 2013 series of Campaign Finance seminars throughout the State during the period **May 1st through August 28**. A schedule of these free seminars is enclosed. You may register for any seminar online at www.elections.ny.gov or by calling (518) 474-8200 or 1-800-458-3453.

Campaign Finance Continuing Legal Education (CLE) Seminars

Our Campaign Finance seminar meets the appropriate legal standards for CLE accreditation. As space permits, three CLE credit hours for admitted attorneys who pre-register will be offered at the Campaign Finance seminars in **Erie County/Buffalo** (May 14), **Monroe County/Rochester** (May 15), **Nassau County/Freeport** (June 11), **New York City** (August 14), and **Albany** (August 28). You may register for any of these seminars online at www.elections.ny.gov.

2013 Filing Calendar

Enclosed is the 2013 Filing Calendar. Please note that at this time the next campaign financial disclosure report is due July 15, 2013*. This report must contain all campaign financial activity from January 12, 2013, through July 11, 2013. For committees formed after January 11, 2013, this report must contain all campaign financial activity from the date of formation through July 11, 2013.

** Note: Candidates and committees which participate in any 2013 election (including a special election) held prior to the July 15, 2013 filing date, are required to file election reports for that election. Contact NYSBOE or your local board of elections to obtain the schedule of applicable filing dates. In such a case, the July 15th filing will contain all campaign financial activity from the cut-off date of the post-election report through July 11, 2013. Candidates who are running for office in the Fall 2013 Primary and/or General Election, and who have not yet made any filings, should consult the Campaign Finance Handbook or contact NYSBOE for specific instructions on when to file their first campaign financial disclosure report.*

PACs, Party and Constituted Committees

Primary and/or general election reports are required from all registered PACs, party and constituted committees, unless a Notice of Non-Participation in Election(s) by a Registered PAC, Party or Constituted Committees (CF-20) is qualified for and filed.

New York City - Additional Requirements

All New York City candidates for mayor, public advocate, comptroller, borough president and city council must register, file campaign financial disclosure reports, and comply with all NYSBOE campaign financial disclosure requirements. In addition to complying with NYSBOE's requirements, New York City candidates for the offices listed above must also register and file with the New York City Campaign Finance Board (CFB). If you are a political committee raising or spending in any of these races, in addition to NYSBOE requirements, please be advised there may be additional registration/reporting requirements with the CFB. Contact the New York City Campaign Finance Board (CFB) at www.nycffb.info or by calling (212) 306-7100.

Fill-in Forms are Now Available

Fill-in forms for registration, amendments, resignation, terminations, etc., are now available on the NYSBOE website to enable filers to enter information directly on the applicable form. Once completed, filers must print, sign and mail the form to the applicable board(s). The Campaign Finance Handbook and the following forms are available on the NYSBOE website at www.elections.ny.gov/CampaignFinance/Handbook,Forms&Publications and by calling NYSBOE at (518) 474-8200 or 1-800-458-3453.

Electronic Filing System (EFS) Software Version 5.1

The new Electronic Filing System (EFS) Software Version 5.1 is now available on the NYSBOE website. The new software functions on a variety of operating systems, including Macs, and offers a more intuitive approach to entering data. New filers are now receiving V5.1 of the software as they register. All filing schedules remain unchanged. Filers using the earlier version, V4.0 may continue to do so. All information for filing campaign financial disclosure reports using EFS V5.1 or EFS V4.0 is now available on NYSBOE's website: www.elections.ny.gov/CampaignFinance/FileDisclosureReports

Filing Options via the Internet

Need to file a No-Activity Report, In-Lieu-Of Statement or send a notification? The following items can be submitted directly via the NYSBOE website using your Filer ID# and Pin:

- No-Activity Report
- In-Lieu-Of Statement
- Notice of Non-Participation in Election(s) by a Registered PAC, Party or Constituted Committee
- 24-Hour Notice

To make any of these specific types of filings go to www.elections.ny.gov, link to “Campaign Finance”, select “File Disclosure Reports” and follow the step-by-step instructions.

Forgot Your PIN?

Whenever you use NYSBOE’s Electronic Filing System (EFS) Software to submit your disclosure reports, you must have the Personal Identification Number (PIN) issued by NYSBOE. PIN use is mandatory as the PIN serves as your electronic signature. **Disclosure reports submitted with an incorrect/incomplete Filer ID# or PIN or no PIN will be rejected.** Forgot your PIN? Contact NYSBOE at (518) 474-8200 or 1-800-458-3453. When calling, please have your Filer ID# or name of the candidate/committee ready. Note that only a designated filer (the treasurer of a committee, or a candidate making his or her own filings) can request the PIN.

Contribution Limits

The NYS Election Law establishes certain limits on contributions that can be given and received by candidates and political committees, as well as limits on contributions that can be given by individuals and other entities. Please consult the NYSBOE website and/or the Campaign Finance Handbook chapter titled “Contribution and Receipt Limitations”. For local candidates/political committees, contact your local board(s) of elections for contribution limits (based on the number of enrolled/registered voters).

Independent Expenditure Requirements

In 2012, NYSBOE promulgated a regulation (9 NYCRR 6200.10) setting forth the requirements under existing law that individuals, organizations, corporations, political committees or any entity making political expenditures must follow to disclose independent expenditures.

Specific to independent expenditures, those making them must register a committee with NYSBOE and/or a local board of elections, as appropriate, through which to report the activity. An independent expenditure is an expenditure made subject to section 14-100 of the NYS Election Law that:(i) expressly advocates for the election or defeat of a candidate; and (ii) is independent of the candidate or his agents or authorized political committees in that the candidate or his/her agents or authorized political committees did not authorize, request, suggest, foster or cooperate with in any way.

The U.S. Supreme Court in the *Citizens United Case* addressed the making of independent expenditures by corporations and unions. It did not prohibit limits on contributions, including those made by corporations. An independent expenditure is not the same as a contribution. The decision does not change NYS Election Law.

Federal Bi-Partisan Campaign Reform Act (BCRA)

There are significant requirements under BCRA that apply to political committees filing with either NYSBOE, a county board of elections, the New York City Board of Elections, or with a village clerk. Under certain circumstances, these committees will need to submit campaign financial disclosure reports with the Federal Election Commission (FEC). For further information, please contact the FEC at www.fec.gov or call 1-800-424-9530; or go to www.elections.ny.gov, link to Campaign Finance and under Useful Links select [Federal Bi-Partisan Campaign Reform Act \(BCRA\)](#).

Internal Revenue Service (IRS) Filing Requirements

For specific details consult the IRS website www.irs.gov or call toll free at 1-877-829-5500. For a synopsis concerning IRS filing requirements go to www.elections.ny.gov, link to Campaign Finance and under Useful Links select [Memorandum: I.R.S. Filing Requirements](#).

Campaign Materials

For all filers who were involved in any 2012 Primary/General/Special Elections or will be involved in any future elections, section 14-106 of the NYS Election Law requires that you provide a copy of all broadcast, cable or satellite schedules and scripts, internet, print and other types of advertisements, pamphlets, circulars, flyers, brochures, letterheads and other printed matter purchased or produced, with the post-election campaign financial disclosure report made for each election (primary, general and/or special election) in which the filer was involved, to all the applicable board(s) of elections where election reports are required to be submitted. If no campaign material was produced, a disclaimer so stating must be filed in conjunction with the applicable post-election report. If such applicable campaign materials or disclaimer from 2012 have yet to be submitted, please do so immediately with the applicable board(s) of elections. The same rules apply for all future elections.

Non-Compliance and Penalties

There are significant consequences for both treasurers and candidates, which may include penalties, for failure to comply with the requirements of the NYS Election Law relating to campaign financial disclosure reports. This includes failure to file required campaign financial disclosure reports.

NYSBOE, or a local board of elections where applicable, may institute a judicial proceeding (i.e., lawsuit) to obtain filing compliance as well as a financial penalty, plus costs and disbursements, for bringing the proceeding. (EL14-126(1))

Reminders for Filers

- **Filing an amendment:**

It is important to understand that the amended report replaces the original report. As such, simply filing only the corrections/changes will result in an incomplete filing. You must resubmit all unchanged transactions, together with the corrections/changes. Amendments apply to transactions that: 1) were reported and need to be modified; 2) occurred in the reporting period and should have been reported in the filing, but were not; or 3) were reported, but were incorrectly included, as they were outside the date range of the particular filing. Note: Amendments to one report may require the amendment of additional report(s).

- **Saving a report/filer verification of receipt by NYSBOE:**

Saving the report to the filer's computer does not transmit the report to NYSBOE; you must take appropriate steps to send it as an email attachment, or submit it by diskette, CD or DVD. Filers should verify NYSBOE's receipt of their report at www.elections.ny.gov. If the report is not viewable on the NYSBOE website after 24 hours, contact NYSBOE immediately at 1-800-458-3453.

Treasurers/Candidates are Obligated to:

- Keep detailed accounts of all receipts, transfers, loans, liabilities, contributions and expenditures made by the candidate or committee or any of its officers, members, or agents acting under its authority or on its behalf.
- File campaign financial disclosure reports detailing receipts and expenditures in accordance with the dates on NYSBOE's annual filing calendar.
- Request treasurer resignation/filer termination from appropriate board(s) and complete all filing obligations until the request is granted.
- Maintain campaign records for a period of five years.

Treasurer's Resignation

Treasurers must submit resignation requests to NYSBOE. In order to resign, a treasurer must complete a series of steps (see chart). Note that resigning at one board does not resign you at any other board. You must request resignation and receive approval from all applicable boards.

How to Resign as Treasurer			
File all campaign financial disclosure reports due to date and until resignation is approved	Submit request with CF-18 and/or CF-01 to NYSBOE and appropriate local board(s)	Include a letter of resignation	Retain all records for five years •New treasurer submits amended CF-02, CF-03 •Candidate files amended CF-16 if applicable

Termination of Committee or Candidate's Filing Obligation

Termination ends a filer's obligation to file. In order to terminate, the filer must complete a series of steps (see chart). All filing obligations continue until the termination process is approved.

Note that terminating at one board does not terminate you at any other board. You must request termination and receive approval from all applicable boards.

How to Terminate				
File all campaign financial disclosure reports due 'til termination is approved	Have ending cash balance of \$0 reflected in the final itemized report and bank account	Have no outstanding loans or liabilities	Submit CF-18/ CF-01 to NYSBOE <u>and</u> appropriate local board(s)	Submit outstanding evidence of forgiveness/ indebtedness

New York State Board of Elections

2013 Campaign Finance Seminar Schedule

Wednesday, May 1, 2013, 9:00 AM - 12:00 PM

Dutchess County/Poughkeepsie
Poughkeepsie Town Hall
Meeting Room
1 Overrocker Road
Poughkeepsie, NY 12603
(845)486-2473

Thursday, May 2, 2013, 9:00 AM - 12:00 PM

Greene County/Catskill
County Office Building
4th Floor, Room 430
411 Main Street
Catskill, NY 12414
(518)719-3550

Friday, May 3, 2013, 9:00 AM - 12:00 PM

Saratoga County/Ballston Spa
Saratoga County Board of Supervisors
Meeting Room
40 McMaster Street
Building #1
Ballston Spa, NY 12020
(518)885-2249

Tuesday, May 7, 2013, 9:00 AM - 12:00 PM

Rensselaer County/Troy
Rensselaer County Office Building
Ned Pattison Government Center
1600 Seventh Avenue
Troy, NY 12180
(518)270-2990

Thursday, May 9, 2013, 12:30 PM - 3:30 PM

Oneida County/Utica
Oneida County Building
Board of Legislators Chambers
10th Floor
800 Park Avenue
Utica, NY 13501
(315)798-5765

Friday, May 10, 2013, 9:00 AM - 12:00 PM

Onondaga County/Syracuse
Onondaga County Board of Elections
1000 Erie Boulevard West
Syracuse, NY 13204
(315)435-3312

Tuesday, May 14, 2013, 9:00 AM - 12:00 PM

Erie County/Buffalo (CLE)
Erie County Public Library
Library Auditorium
Lafayette Square
Clinton and Ellicott Streets
Buffalo, NY 14203
(716)858-8891

Wednesday, May 15, 2013, 9:00 AM - 12:00 PM

Monroe County/Rochester (CLE)
Monroe County Board of Elections Service Center
2595 Brighton Henrietta Town Line Rd
Rochester, NY 14623
(585)753-1550

Friday, May 17, 2013, 9:00 AM - 12:00 PM

St. Lawrence County/Canton
St. Lawrence County Board of Elections
Training Room
5 Judson Street
Canton, NY 13617
(315)379-2202

Tuesday, May 21, 2013, 6:00 PM - 9:00 PM

Orange County/Goshen
Orange County Emergency Services Center
22 Wells Farm Road
Goshen, NY 10958
(845)291-2444

Wednesday, May 22, 2013, 10:00 AM - 1:00 PM

Westchester County/ White Plains
Westchester County Board of Elections
25 Quarropas Street
White Plains, NY 10601
(914)995-5700

Thursday, May 23, 2013, 9:00 AM - 12:00 PM

Ulster County/Kingston
Ulster County Building
Legislative Chambers, 6th floor
244 Fair Street
Kingston, NY 12401
(845)334-5470

Friday, May 24, 2013, 9:00 AM - 12:00 PM

Schenectady County/Schenectady
Schenectady County Board of Elections
Training Center
388 Broadway, Suite E (warehouse)
Schenectady, NY 12305
(518)377-2469

Wednesday, May 29, 2013, 12:30 PM - 3:30 PM

Bronx County/Bronx
Bronx County Board of Elections
1780 Grand Concourse-5th Floor
Bronx, NY 10457
(718)299-9017

Thursday, May 30, 2013, 9:00 AM - 12:00 PM

Kings County/Brooklyn
Kings County Board of Elections
345 Adams Street - 4th Floor
Brooklyn, NY 11201
(718)797-8800

Friday, May 31, 2013, 9:00 AM - 12:00 PM

Montgomery County/Fultonville
Ronald R. Emery Public Safety Facility
200 Clark Dr (off State Hwy 5S)
Training Room D1010
Fultonville, NY 12072
(518)853-8180

Tuesday, June 4, 2013, 12:30 PM - 3:30 PM

Oswego County/Oswego

Oswego County Office Building
Legislative Chambers
46 East Bridge Street
Oswego, NY 13126
(315)349-8350

Wednesday, June 5, 2013, 9:00 AM - 12:00 PM

Ontario County/Canandaigua

Ontario County Safety Training Facility Room #2
2914 County Road 48
Canandaigua, NY 14424
(585)396-4005

Thursday, June 6, 2013, 9:00 AM - 12:00 PM

Chenango County/Norwich

County Office Building, Supervisors' Chambers
5 Court Street
Norwich, NY 13815
(607)337-1764/1765

Friday, June 7, 2013, 9:00 AM - 12:00 PM

Herkimer County/Herkimer

Herkimer County Chamber of Commerce
420 East German Street
Herkimer, NY 13350
(315)867-1102

Tuesday, June 11, 2013, 9:00 AM - 12:00 PM

Nassau County/Freeport (CLE)

Nassau County Board of Elections
Freeport Recreation Center Auditorium
130 East Merrick Rd.
Freeport, NY 11520
(516)571-2711

Wednesday, June 12, 2013, 9:00 AM - 12:00 PM

Suffolk County/Hauppauge

H. Lee Dennison Building
100 Veteran's Memorial Hwy.
Hauppauge, NY 11788
(631)852-4500

Friday, June 14, 2013, 9:00 AM - 12:00 PM

Albany County/Albany

Albany County Office Building
Cahill Room
112 State Street
Albany, NY 12207
(518)487-5060

Tuesday, June 25, 2013, 9:00 AM - 12:00 PM

Queens County/Kew Gardens

Queens County Board of Elections
126-06 Queens Boulevard
Kew Gardens, NY 11415
(718)730-6730

Wednesday, June 26, 2013, 12:30 PM - 3:30 PM

Rockland County/New City

11 New Hempstead Road
Legislative Chambers
New City, NY 10956
(845)638-5172

Thursday, June 27, 2013, 9:00 AM - 12:00 PM

New York City/Manhattan

42 Broadway, 6th Floor
New York, NY 10004
(212)868-3692 or (212)VOTE-NYC

Wednesday, July 17, 2013, 9:00 AM - 12:00 PM

Chautauqua County/Jamestown

Jamestown Community College
Southern Campus, Room 211
525 Falconer Street
Jamestown, NY 14702-0020
(716)338-1000 or (800)388-8557

Thursday, July 18, 2013, 9:00 AM - 12:00 PM

Livingston County/Geneseo

Livingston County Board of Elections
County Government Center, Room 208
6 Court Street
Geneseo, NY 14454
(585)243-7090

Tuesday, July 23, 2013, 9:00 AM - 12:00 PM

Sullivan County/Monticello

Sullivan County Board of Elections
Government Center
100 North Street
Monticello, NY 12701-5192
(845)807-0400

Tuesday, July 30, 2013, 9:00 AM - 12:00 PM

Putnam County/Carmel

Putnam County Board of Elections
25 Old Route 6
Carmel, NY 10512
(845)808-1300

Wednesday, August 14, 2013, 9:00 AM - 12:00 PM

New York City/Manhattan (CLE)

42 Broadway, 6th Floor
New York, NY 10004
(212)868-3692 or (212)VOTE-NYC

Wednesday, August 28, 2013, 9:00 AM - 12:00 PM

Albany County/Albany (CLE)

Albany County Office Building
Cahill Room
112 State Street
Albany, NY 12207
(518)487-5060



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2013 FILING CALENDAR

Campaign Financial Disclosure

Please check www.elections.ny.gov for any change to this calendar.

<u>Report Period</u>	<u>Cut-Off Date</u>	<u>Filing Date</u>
July 2013 Periodic	July 11, 2013	July 15, 2013
<u>PRIMARY ELECTION - SEPTEMBER 10, 2013</u>		
32-Day Pre-Primary	August 05, 2013	August 09, 2013
11-Day Pre-Primary	August 26, 2013	August 30, 2013
10-Day Post-Primary*	September 16, 2013	September 20, 2013
24-Hour Notice: August 27, 2013 thru September 09, 2013**		
<u>GENERAL ELECTION - NOVEMBER 05, 2013</u>		
32-Day Pre-General	September 30, 2013	October 04, 2013
11-Day Pre-General	October 21, 2013	October 25, 2013
27-Day Post-General*	November 28, 2013	December 02, 2013
24-Hour Notice: October 22, 2013 thru November 04, 2013**		
January 2014 Periodic	January 11, 2014	January 15, 2014

* **Campaign Material** (or a disclaimer stating that no campaign materials have been produced) must be submitted with Post Election reports. All filers with NYS Board of Elections (NYSBOE) must send this campaign material or disclaimer by mail. Local filers that are only required to file with their local board(s) of elections must continue to file this material with that office.

** **24-Hour Notice** - During these time periods, any contribution or loan which exceeds \$1,000 must be reported within 24 hours of receipt via fax or the NYSBOE website (address above). This same contribution or loan must also be reported in the associated Post Election report.

Notes for Filers with NYSBOE and/or Local Board(s):

- The criteria for termination are: **a)** all previously required Campaign Financial Disclosure Reports must have been filed to date; **b)** all outstanding loans and liabilities (subject to applicable contribution limits) must have been repaid or forgiven, and required letters of indebtedness/forgiveness must have been submitted to the appropriate board(s); **c)** the campaign bank account must have an ending cash balance of \$0, which also must be reflected in the final filed disclosure report; **d)** a final itemized disclosure report using the Electronic Filing System (EFS) Software must be submitted electronically, or a No-Activity report, if applicable, must be filed online at www.elections.ny.gov or by using a CF-18 form; **e)** a fully completed CF-18 form must be submitted by mail in conjunction with the filing of the final disclosure report for termination approval. Campaign Financial Disclosure Reports are required to be filed until termination is approved by NYSBOE in writing.
- After submitting electronic reports, please visit the NYSBOE website to confirm receipt and accuracy of content. No report should have a negative balance. Negative balances are caused by reporting errors.
- For electronic filers: "Filing Year" is the year the report is due to be filed.
- Primary and/or General Election Reports are required from all registered PACs, Party and Constituted Committees, UNLESS a Notice of Non-Participation in Election(s) by a Registered PAC, Party or Constituted Committee (CF-20) is qualified for and filed. The CF-20 may be submitted at the NYSBOE website; click on Campaign Finance and then click on File Disclosure Reports. Candidates and their related committees, or any other committees supporting or opposing those candidates, may NOT file a Notice of Non-Participation in Election(s) in substitution for the required Election Reports. Please note that PACs, party and constituted committees that file a CF-20 must still file Periodic Reports. A CF-20 may not be substituted for Periodic Reports.