

Disclaimer

- The State Fiscal Year (SFY) 2014-15 New York State Budget set forth new requirements for the New York State Board of Elections (NYSBOE) concerning Independent Expenditure reporting requirements and the implementation of a public financing pilot program for the Office of the State Comptroller. **Information regarding the SFY 2014-15 budget and its legal impact has not been incorporated herein.** Continue to check the NYSBOE website, www.elections.ny.gov, as it becomes available.
- This seminar is intended as a general reference guide only, and provides plain language to comply with NYS Election Law and related Rules and Regulations. It is not intended to replace or to be inclusive of all laws and statutes governing campaign finance requirements.
- The U.S. Supreme Court recently issued a decision concerning the application of aggregate contribution limits relative to federal elections. NYSBOE is reviewing that decision relative to its application to NYS Election Law. (McCutcheon v. Federal Election Commission (572 U.S. (2014))).

NYS Board of Elections

Campaign Finance Seminar

Part 1:

Definitions; Registration and Reporting;
When to File

The Law

New York State Election Law

- Article 14
- www.elections.ny.gov

Recent Legislation

The 2014-15 New York State Budget has set forth the following new requirements for NYSBOE

- Implementation of a public financing pilot program for the Office of the State Comptroller's race in the 2014 election
- New Independent Expenditure reporting requirements
- The creation of a Compliance Unit within NYSBOE

In addition to the NYSBOE requirements, the State Budget also created an Enforcement Unit to be headed by a Chief Enforcement Counsel

Check the NYSBOE website for more information about the public financing pilot program and the new Independent Expenditure reporting requirements

New Compliance Unit

- Will examine all reports and notify committees of any deficiencies by certified mail
Committees must correct deficiencies to come into compliance with the Election Law
- Committees have to correct deficiencies:
 - Within 30 days OR
 - Within 7 days if within 30 days of election

If a deficiency has not been corrected within the time frames above, the committee will be referred to the Independent Enforcement Counsel

Checking Reports Before Submission

- Missing names, addresses, dates, check numbers etc.
- Entries reported on incorrect schedules
- Negative balances
- Single corporate contributions over \$5000
- Missing loan documentation
- Missing campaign material
- Cash contributions over \$100
- Improper reporting of reimbursements
- Allocation (Schedule R)

What is a campaign financial disclosure report?

- A report of all monies raised and spent during a specific period of time (reporting period)

Why must campaign financial disclosure reports be filed?

- The public has a right to know who is attempting to influence an election through money
- Disclosure allows the public to monitor campaigns

What is a candidate?

A candidate is any individual who seeks to be nominated or elected to public office or party position, whether they ultimately appear on the ballot or not. An individual shall be deemed a candidate if:

- He or she has taken action to qualify for nomination or election; or-
- Monies were raised or expended by the individual or any person to whom that individual has given consent to do so, in order to bring about such nomination or election to such office or position. The candidacy occurs when the contributions or expenditures in question are made, whether in the year in which the nomination or election is sought or in any future year.

What is a committee?

A political committee is any corporation aiding or promoting, and any committee, political club or combination of one or more persons operating or cooperating to:

- Aid or promote success or defeat of a political party or principle or of any ballot proposal; or
- Aid or take part in election or defeat of a candidate for public office; or
- Aid or take part in election or defeat of a candidate for nomination at a primary election or convention, including all proceedings prior to such primary election; or
- Aid or take part in election or defeat of a candidate for any party position voted for at a primary election; or
- Aid or defeat nomination by petition of an independent candidate for public office.

State and local candidates

State candidates

- New York State Governor, Lt. Governor, State Comptroller, State Attorney General, State Senators, State Assembly Members, State Supreme Court Justices and certain party offices

Local candidates

- All other offices

New York City candidates

- Have additional requirements

State and local committees

State committees

- Committees supporting or opposing candidates for state offices, certain party offices and those supporting statewide ballot propositions

Local committees

- Committees supporting or opposing all other offices and local ballot propositions

Candidate obligations

- Candidate discloses all
- Candidate uses authorized committee
- Both candidate and authorized committee disclose

Registration forms-candidates

- Campaign Financial Disclosure Report (CF-01)
- Candidate Campaign Finance Registration Form and/or to Request NYSBOE Filer ID# and PIN (CF-04)
- Candidate's Authorization for a Committee to Make All Campaign Financial Disclosures (CF-16)

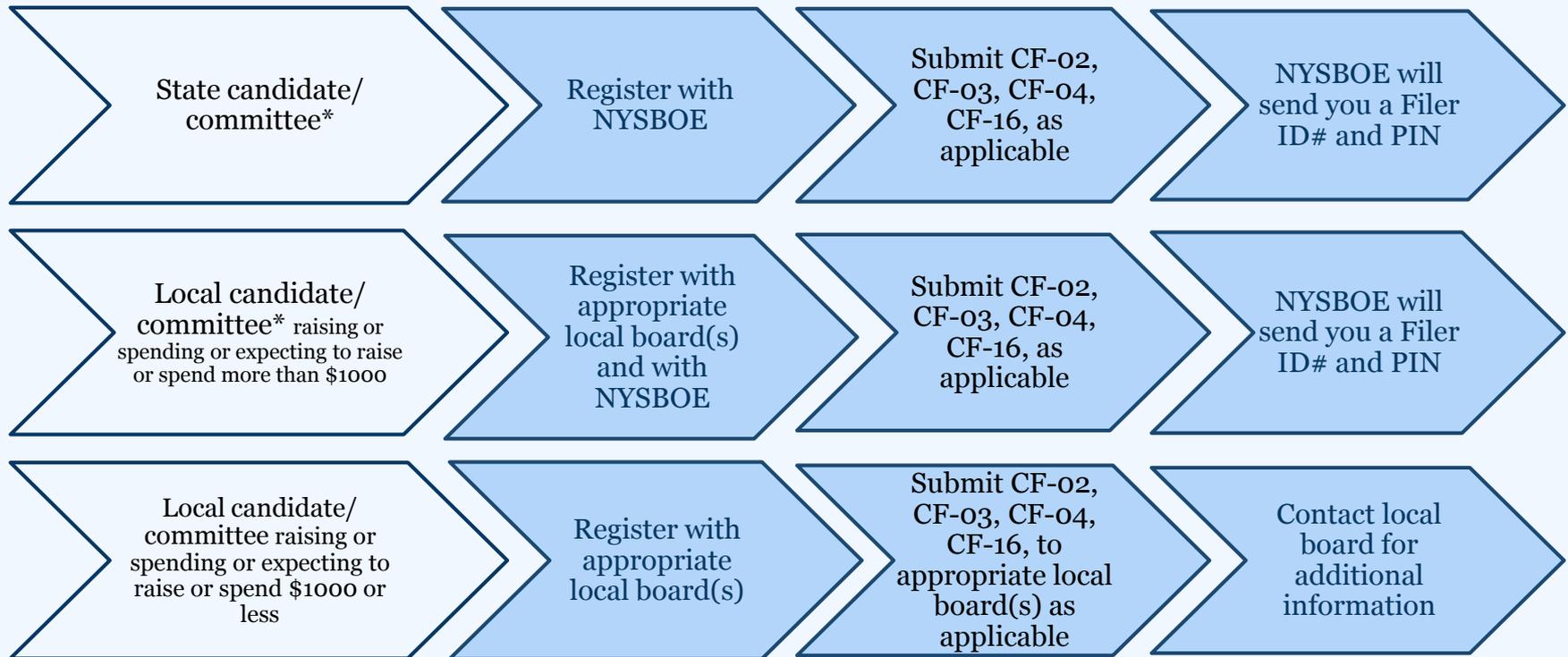
Types of committees

- Authorized, solely supporting one candidate
- Multi-candidate
- PACs
- Constituted committee
 - Party committee
 - Duly constituted sub-committee
 - Housekeeping committee

Registration forms-committees

- Committee Registration / Treasurer and Bank Information (CF-02)
- Committee Authorization Status (CF-03)

Registration



Additional filing requirements

BCRA (Bipartisan Campaign Reform Act)

- 1-800-424-9530 or www.fec.gov

IRS Filing Requirements

- 1-800-829-5500 or www.irs.gov

Judicial Candidates

- 1-888-600-5232 or www.nycourts.gov/ip/jcec

Village Candidates

- EL 14-102; 14-104; 14-124

New York City Campaign Finance Board

- 1-212-306-7100 www.nyccfb.info

Exceptions to filing

Submit Candidate or Committee Claim of Exemption (CF-05)

- Candidates who do not receive or spend over \$50 (inform the appropriate board of status)
- Candidate/committee solely supporting one candidate for public office, or a ballot proposition committee, in towns, cities or villages having a population under 10,000 where the candidate or committee does not raise and/or spend in excess of \$1000
- A committee formed solely to support or oppose a ballot issue and does not raise or spend over \$100

Reminder - primary election report exception:

- Any candidate/candidate committee in uncontested primary
- Committee not supporting or opposing candidates in a primary

When do I file?

2014 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 2014 Periodic	July 11, 2014	July 15, 2014
<u>PRIMARY ELECTION - SEPTEMBER 09, 2014</u>		
32-Day Pre-Primary	August 04, 2014	August 08, 2014
11-Day Pre-Primary	August 25, 2014	August 29, 2014
10-Day Post-Primary*	September 15, 2014	September 19, 2014
24-Hour Notice: August 26, 2014 thru September 08, 2014**		
<u>GENERAL ELECTION - NOVEMBER 04, 2014</u>		
32-Day Pre-General	September 29, 2014	October 03, 2014
11-Day Pre-General	October 20, 2014	October 24, 2014
27-Day Post-General*	November 27, 2014	December 01, 2014
24-Hour Notice: October 21, 2014 thru November 03, 2014**		
January 2015 Periodic	January 11, 2015	January 15, 2015

24-hour Notice

- For any contribution/loan exceeding \$1,000 in certain time periods

Miscellaneous

- Attributions – *“Paid for by...”*
Not required except by Independent Expenditure Committees (14-107(c)(2)) when more than \$1,000 in aggregate, communication must state:
 - Name of person who paid for the IE
 - That communication was not expressly authorized or requested by any candidate or by any candidate’s political committee
- Solicitations – Contributions are not tax deductible
- Political clubs
- Party funds for primaries Party or constituted committees can now support candidates in primary elections

Miscellaneous

- Door prizes
- Raffles
- Cash

Part 2:

Contribution and Receipt Limits;
Limits Chart

Contributions

What is a political contribution?

- Generally speaking, it's supporting or opposing a candidate or issue or direct expenditure on behalf of the same through gifts of money or something of value given to a political candidate or political committee, or goods and services, which are called in-kind contributions.

What is not a contribution?

Must report

- Candidate's funds
- Funds from candidate's spouse
- Transfers
- Housekeeping
- Independent expenditures

What is not a contribution?

Not necessary to report

- Volunteer services (unless reimbursed)
- House parties under \$500
- Travel under \$500

Types of contributors

1. Individuals
2. Families
Families include parent, child, grandparent, brother, sister and spouses of these
3. Candidates
4. Spouses
5. Partnerships
6. Corporations
7. Political Action Committees (PACs)
8. Other political committees
9. Unincorporated unions
10. Unincorporated trade organizations
11. Other entities (league or association)

Contribution and receipt limits

Giving

- Limits on what can be given

Receiving

- Limits on what can be received

Election limits

- Election cycle
- Primary elections
- General elections
- Special elections

Receiving limits - candidates

- State candidates – limits at www.elections.ny.gov
 - Family
 - Non-family
- Local candidates – limits calculated by county boards
 - Family
 - Non-family

Office	Election	Non-Family Limit	Family Limit
Statewide Governor, Lt. Governor, Comptroller, Attorney General	Primary	Total number of enrolled voters in candidate's party in NYS x \$0.005*	Total number of enrolled voters in the candidate's party in the state (excluding voters in inactive status), x \$0.025.
	General	\$41,100	Total number of registered voters in the state (excluding voters in inactive status), x \$0.025.
NYS Senate	Primary	\$6,500	\$0.25 x enrolled voters in candidate's district and party (excluding voters in inactive status); but at least \$20,000 and no more than \$100,000.
	General	\$10,300	\$0.25 x registered voters in district (excluding voters in inactive status); but at least \$20,000, and no more than \$100,000.
NYS Assembly	Primary	\$4,100	\$0.25 x enrolled voters in candidate's district and party (excluding voters in inactive status); but at least \$12,500, and no more than \$100,000.
	General	\$4,100	\$0.25 x registered voters in district (excluding voters in inactive status), but at least \$12,500, and no more than \$100,000.

Office	Election	Non-Family Limit	Family Limit
NYC Offices of Mayor, Public Advocate and Comptroller	Primary	Total number of enrolled voters in Candidate's party in NYC x \$0.05*	\$0.25 x enrolled voters in candidate's party in the city (excluding voters in inactive status); but at least \$1,250, and no more than \$100,000.
	General	Any amount up to \$41,100	\$0.25 x registered voters in the city (excluding voters in inactive status); but at least \$1,250, and no more than \$100,000.
All Other Public Offices* and Supreme Court Justice	Primary	\$0.05 x enrolled voters in candidate's party and district (excluding voters in inactive status), but at least \$1,000 with a maximum of \$50,000	\$0.25 x enrolled voters in candidate's party and district (excluding voters in inactive status), but at least \$1,250 and no more than \$100,000.
	General	\$0.05 x registered voters in candidate's district (excluding voters in inactive status) but at least \$1,000 with a maximum of \$50,000	\$0.25 x registered voters in candidate's district (excluding voters in inactive status), but at least \$1,250 and no more than \$100,000.

Limits - corporations

- Corporations (Note: Citizens United)

Limits- other organizations

- Limited liability companies
- Sole proprietors
- Partnership

Committee receiving limits

- Party or constituted committees- \$102,300 in a calendar year
- PACs- unlimited but limited by individual and corporations giving limits
- Ballot propositions- unlimited
- Housekeeping- unlimited

Part 3:

Schedules; Additional Treasurer Responsibilities;
Resignation, Termination, Penalties

Detail schedules for reporting

- Contributions
- Expenditures
- Transfers
- Loans, Liabilities, Refunds
- Record-keeping
- Housekeeping
- Allocations



**Schedules for
Campaign
Financial
Disclosure
Reporting**



NEW YORK STATE
BOARD OF ELECTIONS



Contribution Schedules: A-E

- Individuals – Schedule A
- Candidate/candidate's spouse – Schedule A
- Family members of candidate – Schedule A
- Partnerships – Schedule A
- Corporations – Schedule B
- Other Organizations – Schedule C
- In-kind – Schedule D
- Other receipts – Schedule E

Expenditure Schedule: F

- Expenditure/payments:
 - For candidate/committee expenses
 - Reimbursements to individuals
 - Reimbursements for credit card expenses

Reimbursements: Schedule F

Reimbursements to individuals

Reimbursements for credit card expenses

When checks to individuals are made out or a committee credit card is used to pay expenses, the details for those reimbursements must be reported on Schedule F, using Purpose Codes:

- Reimbursement (REIMB) and
- Reimbursement Details (R-DET)

Transfer Schedules: G and H

Schedule G

- Transfers in

Schedule H

- Transfers out

There are only two types of transfers:

Type 1 – transfers of money between a party or constituted committee and a candidate or candidate's authorized committee

Type 2 – Transfer of money or anything of value between two authorized committees solely supporting the same candidate

Loans and Liabilities Schedules: I-K

Schedule I

- Loans received
Evidence of indebtedness required to be filed

Schedule J

- Loans repaid
Keep track of outstanding loan balances on Schedule N

Schedule K

- Liabilities/loans forgiven:
Evidence of forgiveness required to be filed and adjust
Schedule N to reflect forgiveness

Refund Schedules: L and M

Schedule L

- Expenditure refunds (increases cash balance)
Overpayments
Return of deposits

Schedule M

- Contributions refunded (decreases cash balance)

Record-keeping Schedule: N

- Record-keeping

Outstanding liabilities/loans (detail on the following schedules should also be entered on Schedule N as applicable):

Liabilities

Schedule K – forgiven

Schedule F- payment

Loans

Schedule I – report

Schedule J – repayment

Schedule K - forgiven

Record-keeping Schedule: 0

- Partners/subcontracts

Partners

(from Schedule A)

Detail over \$2,500

Subcontracts

(from Schedule F)

Detail over \$10,000 statewide

\$5,000 all other

Housekeeping Schedules: P and Q

Schedule P

- Non-campaign receipts

Schedule Q

- Non-campaign expenses

Schedules P and Q can only be used by party and constituted committees

Allocation Schedule: R

- Expense allocation among candidates (for party, constituted and authorized multi-candidate committees only)

Electronic Filing System Software

- Download at www.elections.ny.gov
- Create report
- Submit – a two-step process
 - Save to computer
 - Email attachment to NYSBOE

Itemized and unitemized contributions

Aggregate contribution greater than \$99.00

- Must be itemized, reporting contributor's name, address and other required details

Aggregate contribution \$99.00 or less

- May be unitemized
- No details required

Itemized and unitemized expenditures

**Expenditure
greater than
\$49.99**

- Must provide required details for single expenditures

**Expenditure
\$49.99 or less**

- May be unitemized
- No details required

Web-based filing options

- In-Lieu-of Statement
- No-Activity Report
- 24-Hour Notice
- Notice of Non-Participation in Elections by a Registered PAC, Party or Constituted Committee

Filing from the web

New York State State Agencies Search all of

Board of Elections

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Handbook

NYSBOE HOME FILE DISCLOSURE REPORTS

File Disclosure Reports

- Itemized Reports
- Non-Itemized Reports
- Notifications

Itemized Reports (Filer ID# and PIN required)

Electronic Filing Software and User Guide

EFS5.1

Java Browser Plugin Vulnerabilities:

As you may have read, vulnerabilities in the Java Web Browser Plugin have been found to affect recent versions of Java, including Java 6 and 7. The electronic filing system (EFS) does not use the browser plugin and is not affected by this problem. Users who are concerned about the Java Browser Plugin should know that it is possible to disable it.

The latest version of Java, version 7.10, makes disabling the browser plugin much easier than previous versions:

http://www.java.com/en/download/help/disable_browser.xml

JAVA 6 or higher is needed for installation.

- Windows Users
 - Save EFS_setup.exe (4,727KB) to your desktop.
 - Double click the EFS_setup.exe to start the install.
 - Click Create a Desktop icon and click next to continue the install.
 - Double click on the Electronic Filing System (EFS) icon to start using the EFS Software.
- MAC Users
 - Save EFSDesktopSoftwareForMac.zip (5,061KB) file to your desktop.
 - Double click the EFSDesktopSoftwareForMac.zip file to Open.
 - Click and drag EFSDesktopSoftware icon to the desktop.

After submitting reports

- Verify
- Amend

Additional treasurer responsibilities

- True name of contributor
- Deposits
- Turn over receipts
- Limits on cash

Additional treasurer responsibilities

- Partnerships
- Accounting; vouchers
- Campaign funds for personal use
- Record retention

View disclosure reports

0 MAIN CONTENT

New York State  State Agencies Search all of NY.gov

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View Disclosure Reports

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Query the Database

Query Instructions

- [View Contributions and Expenditures](#)
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- [List of All Active Local Filers by County](#)

Data Availability

This database contains all financial disclosure reports filed with NYSBOE from July of 1999 to the present. Financial disclosure reports filed prior to the 1999 July Periodic report are either on file with the New York State Archives or in storage with the New York State Board of Elections. For further information or to obtain copies of these archived or stored filings, please call 1-800-458-3453. Each page costs 25¢ plus postage and copy orders must be prepaid.

Electronically filed disclosure reports are generally available in the database on the day they are received. A small number of candidates and committees are either statutorily exempt or have applied for and obtained exemptions from electronic filing. These filers will continue filing on paper and their disclosure reports will become available as they are manually entered into the database by NYSBOE staff.

Data Accuracy

Handbook



Filing Calendar



NYS Board of Elections Candidate and Committee Search Page - Windows Internet Explorer

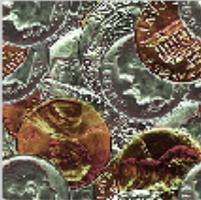
http://www.elections.state.ny.us/recipientstext.html

File Edit View Favorites Tools Help

NYS Board of Elections Candidate and Committee Sea...

SKIP TO MAIN CONTENT

NEW YORK STATE



Campaign Financial Disclosure
Provided by the New York State Board of Elections
Candidate and Committee Search Page

[Campaign Finance Disclosure Reports](#) » Candidate and Committee Search

Welcome!
You have chosen to search our Database by Candidate Name or
Committee Name

**Enter Candidate Last Name or Committee Name:

Position

**** Enter all or part of the name of the filer you are looking for or leave blank to list all filers in the Electronic Filing Database.**

http://www.elections.state.ny.us:8080/plsql_browse...



NEW YORK STATE



Campaign Financial Disclosure Provided by the New York State Board of Elections Candidate and Committee Search Page



Search by Candidate or Committee Name»Name Matches

List of filers where name is like %CRANDALL%
Oracle found [2] records matching your criteria.

Record are sorted by [NAME]

Filer Name	Office	District	County	Subdivision	Municipality	FilerID	Detail Link
FRIENDS TO ELECT ROGER CRANDALL	Highway Superintendent	N/A	Saratoga	Town	Malta	C47704	C47704
ROGER WILLIAM CRANDALL	Highway Superintendent	N/A	Saratoga	Town	Malta	C47705	C47705

Campaign materials

- Political communication includes all brochures, media, etc.
- Must be sent to NYSBOE

Treasurer resignation

- File all campaign financial disclosure reports to date
- Submit letter of resignation request attached to CF-18 or CF-01

Committee termination

- File all campaign financial disclosure reports to date
- Ending cash balance of \$0
- All outstanding loans/liabilities repaid or forgiven
- Letters of forgiveness submitted, applicable to contribution limits

When funds remain

Subject to certain conditions:

- Charity recognized by IRS
- Candidate or political committee
- Transferred between two authorized committees:
 - Solely supporting same candidate
 - Candidate's authorized committee
- Refunded on pro-rated basis

Loans or liabilities

- Considered contributions for limit purposes
- Subject to contribution limits
- Letters of forgiveness, as applicable, are required

Additional termination requirements

- Mid-cycle termination restrictions
- Obligation to file until termination is approved

Penalties

- Treasurer's responsibility
- Candidate's responsibility

Compliance Unit

- Will examine all reports
- Committees must correct deficiencies
- Committees have to correct deficiencies:
 - Within 30 days OR
 - Within 7 days if within 30 days of election

Enforcement

- Failure to file one report
- Failure to file three or more times in a given election cycle
- Knowingly accepts over-contribution
- Knowingly makes over-contribution

Contact NYSBOE

Contact New York State Board of Elections with questions:

www.elections.ny.gov

800-458-3453
cinfo@elections.ny.gov

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