Executive

PART 6200

FILING STATEMENTS OF CAMPAIGN RECEIPTS AND EXPENDITURES

(Statutory authority: Election Law, §§ 3-102, 14-102(3), 14-108, 14-110; State Administrative Procedure Act, §202)

Sec.
6200.1 Places for filing statements of campaign receipts and expenditures
6200.2 Time for filing statements of campaign receipts and expenditures
6200.3 Filing of statements by candidates for party positions and political committees supporting such candidates
6200.4 Fundraising events
6200.5 Expenditures not exceeding $50
6200.6 Contribution other than of money
6200.7 Resignation of a treasurer
6200.8 Reporting requirements
6200.9 Legibility of financial disclosure forms

Section 6200.1 Places for filing statements of campaign receipts and expenditures.

The places for filing statements of campaign receipts and expenditures pursuant to sections 14-102 and 14-104 of the Election Law shall be as follows:

(a) (1) The statements of a candidate for election to the office of presidential elector, Governor, Lieutenant Governor, Attorney General, Comptroller, member of the State Legislature, delegate to a Constitutional Convention, justice of the Supreme Court or for nomination for any such office at a primary election or convention, or for any party position to be voted for at a primary election by the voters of two or more counties or portions of two or more counties not wholly within the City of New York, with the State Board of Elections.

(2) The statements of a candidate for election to any other public office except a village office, or for nomination for any such office at a primary election or convention, or for any party position to be voted for at a primary election solely by the voters within a single county or within the City of New York, with the board of elections of the city or county whose voters are to vote for such office of party position.

(3) The statements of a candidate for election to a village office or for nomination for any such office at a primary election or convention, with the village clerk, except where a village had opted, pursuant to section 15-104(d)* of the Election Law, to have elections occur on the day of the general election and be conducted by the board of elections, then with the county board of elections.

*s.b. § 15-104(1)(c). Former par. (d) of subdivision (1) redesignated par. (c), ch. 248/1983 § 1.

(b) The statements of a treasurer of a political committee, with the State Board of Elections, except as follows:

(1) if the committee aided or took part solely in the election or defeat of a candidate for an office or party position set forth in paragraph (a)(2) of this section with the appropriate board of elections;

(2) if the committee aided or took part solely in the election or defeat of a candidate for an office or party position set forth in paragraph (a)(3) of this section, with the village clerk;

(3) if the committee promoted the success or defeat of a proposition submitted to vote at a public election held within a single county, or the City of New York, with the appropriate board of elections; or

(4) the treasurer of the county committee of a political party and the treasurer of a duly constituted subcommittee of a county committee shall file with the board of elections of such county, except that if the committee aids or takes part in the election or defeat of a candidate for an office or party position set forth in paragraph (a)(1) of this section, a copy of the statements required to be filed pursuant to section 6300.2(a) of this Title which include expenditures made for such candidate shall also be filed with the State Board of Elections.

(c) (1) The statements of a political committee, other than a county committee, which supports or opposes candidates for those offices enumerated in paragraph (a)(1) of this section and, in addition, supports or opposes candidates enumerated in paragraph (a)(2) or (3) of this section shall be filed with the State Board of Elections. Copies of the pre- and post-election statements thereof shall be filed with the appropriate local filing offices, except that in those years in which such committee only supports or opposes candidates for offices set forth in either paragraph (a)(2) or (3) of this section; such committee need

only file pre- and post-election statements with the appropriate local filing offices.

(2) The periodic statement required to be filed with the State Board of Elections by such committee on the 15th day of January following a year in which such committee only supported candidates for county, city, town or village offices shall have attached to it a copy of the summary section of the 27-day post-election statement filed by such committee with the local filing offices in such preceding year.

(d)(1) Pursuant to the provisions of this section, any candidate and/or political committee which is required to file statements with a county board of elections or with the Board of Elections of the City of New York, which raises or spends or expects to raise or spend more than one thousand dollars ($1,000) during any calendar year, in addition to filing such statements with the said boards of elections in the filing format required thereby, shall also file such statements electronically with the State Board of Elections pursuant to its electronic report system, established pursuant to Election Law §3-102(9-A), or on paper if an exemption from the electronic filing requirements has been granted by the State Board pursuant to Election Law §§14-102-(4) or 14-104(2).

(2) Notwithstanding the provisions of §6200.1(d)(1), any statements filed electronically, or on paper if exempted, with the State Board of Elections by a candidate and/or political committee which is required to file such statements electronically with the State Board pursuant to paragraph (d)(1) of this section, shall satisfy the filing requirements of this section with regards to filing with the applicable county or city board of elections. The county and city boards of elections shall make statements filed with the State Board, which would have otherwise have been filed specifically with their individual board pursuant to paragraph (d)(1) of this section, available for public inspection and copying via electronic connection to the State Board's web site, which will contain such statements, or by such other mode of electronic communication that is available and approved by the State Board for such purposes.

(3) Any candidate and/or political committee which is required to file statements with a county board of elections or with the Board of Elections of the City of New York pursuant to the provisions of this section, which is not required to file such statements with the State Board of Elections pursuant to paragraph (d)(1) of this section, may not elect to file such statements with the State Board of Elections pursuant to paragraph (d)(2) of this section in substitution for, or in satisfaction of, the requirement to file with the applicable county or city board of elections.

6200.2 Time for filing statements of campaign receipts and expenditures.

The statements of campaign receipts and expenditures required by sections 14-102 and 14-104 of the Election Law shall be filed at the following times:

(a) On the 32nd and 11th day before, and on the 27th day next succeeding, the election, other than a primary election, or convention to which the statement relates; if there is a contested primary election, said statements shall be filed on the 32nd and 11th day before and the 10th day next succeeding such contested primary election. If it is necessary to hold a runoff primary, a statement shall be received on the fourth day preceding such runoff primary and on the 10th day next succeeding such runoff primary.

(b) In addition to the statements required to be filed pursuant to the provisions of subdivision (a) of this section, periodic statements shall be filed no later than the 15th day of January and July of each subsequent year until such time as the candidate or committee terminates activities. At such time, a final statement shall be filed particularizing campaign receipts and expenditures during the filing period. It shall also evidence a complete payment of all liabilities and the expenditure of all funds in the possession of the committee or candidate. The filing of said statement shall terminate the activities of the political committee or candidate.

(c) In addition to the statements required to be filed pursuant to the provisions of subdivisions (a) and (b) of this section, political committees shall file periodic statements no later than the 15th day of January and July of each year from the time the statement required by section 14-118 of the Election Law is filed.

(d) If, pursuant to subdivisions (a) and (b) of this section, a candidate or committee is required to file two statements within a period of five days, the information required to be included in each such statement may be combined in a single statement provided that the information contained in such single statement shall be segregated and identified as to the election to which it relates. Such combined statement shall be filed on the date on which the latter of the two separate statements would be required to be filed.

(e) A runoff primary shall not be construed to be a separate contested primary election for the purposes of this section.

(f) If a person or political committee receives or expends funds to promote such person's candidacy for a particular office and the person fails to qualify for either the primary or general election ballot, statements of receipts and expenditures shall be required to be filed pursuant to subdivision (b) of this section.

(g) Contributions in excess of $1,000 received within 14 days preceding an election which, pursuant to section 14-108(2) of the Election Law, are required to be reported within 24 hours of receipt. Such report shall include the name of the committee receiving such contribution, the name and residence address of the contributor, the dollar amount of the contribution and the date of the contribution. Such contributions may be reported by letter signed by the treasurer of the committee receiving the contributions or on standard campaign financial disclosure forms and may be transmitted to the proper filing officer by electronic transmission. All such contributions shall also be included on the statement required to be filed on the post-election filing next succeeding the election for which the contribution is intended.

6200.3 Filing of statements by candidates for party positions and political committees supporting such candidates.

(a) The provisions of sections 14-104, 14-112(b)* and 14-118(a)** of the Election Law shall not apply to any candidate for member of a county committee of a political party or any candidate for delegate or alternate delegate to a judicial district convention if the campaign expenditures made by or on behalf of such candidate do not exceed $50.

(b) Political committees supporting such candidates may, when filing statements required by section 14-112 of the Election Law, list the titles of such party positions in lieu of the names of the supported candidates.

(c) When filing statements of campaign receipts and expenditures pursuant to section 14-102 of the Election Law, a political committee may, when allocating expenditures, combine as a single entry all expenditures made on behalf of candidates for such party positions for whom no more than $50 has been expended.

* In § 14-112, ch. 9/1978 § 99 repealed sub (a). § 14-112 is now former sub (b) of such section.

** In § 14-118, ch. 9/1978 § 103 redesignated sub (a) as sub (1).

Executive

6200.4 Fund-raising events.

(a) Any candidate or political committee that charges or accepts monetary donations for admission to any fund-raising event at which food and beverages are provided, is not required to list as a candidate expenditure the cost of providing such food and beverages (including the expense of preparation and service) where any such cost is included within the charge or suggested donation for such admission; provided, however, that the charge or donation for any such admission must exceed the cost of providing a person admitted with food and beverages.

(b) Notwithstanding the foregoing, any such cost of providing food and beverages shall be separately reported and itemized by any such candidate or political committee on his or its statement of campaign receipts and expenditures. Any other cost in relation to any such fund-raising event, including but not limited to the cost of music, printing, premises or advertising must be listed and itemized in the same manner as any other candidate expenditure is reported.

6200.5 Expenditures not exceeding $50.

Expenditures made by any individual or political committee for or on behalf of the nomination or election of any candidate or candidates for or on behalf of any question to be submitted to vote at a public election, in an aggregate amount not exceeding $50 during any calendar year shall not be deemed a "contribution other than of money," and any individual or political committee, by the fact of any such expenditures alone, shall not be required to comply with the provisions of sections 14-102 and 14-118 of the Election Law.

6200.6 Contribution other than of money.

(a) The term contribution other than of money means:

(1) a gift, subscription, loan or advance of anything of value (other than money) made to or for any candidate or political committee; and

(2) the payment by any person other than a candidate or political committee of compensation for the personal services of another person which are rendered to any such candidate or committee without charge;

(3) provided, however, that the term contribution other than of money shall not be construed to include personal services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee.

(b) In determining the monetary value to be placed on a contribution other than of money a reasonable estimate of fair market value shall be used. Each such contribution shall be declared as an expenditure at the same fair market value and reported on the expenditure schedule, identified as to its nature and listed as an "expenditure in-kind."

Executive

6200.7 Resignation of a treasurer.

(a) Before any treasurer of any political committee may resign his position at a time when his committee has unexpended funds or unsatisfied liabilities, such treasurer must first deliver a copy of his written resignation as treasurer to both the committee's chairman and the applicable filing officer for the committee's statements as set forth in section 6200.1 of this Part. The effective date of the resignation shall be five days after delivery to such filing officer unless the treasurer specifies a date later than five days after delivery, in which case said date shall be the effective date. Within two days after the effective date of his resignation, any such treasurer shall file a statement of receipts and expenditures with the appropriate filing officer, which statement shall include all transactions made by his committee from the date of the committee's last report up to and including the effective date of the treasurer's resignation.

(b) Upon the effective date of a resignation or upon the death of any treasurer of a political committee, no member of any such political committee or other person acting under its authority or in its behalf shall receive any money or other valuable thing or expend the same until the committee shall have chosen a new treasurer and the treasurer's name and address shall have been filed pursuant to section 14-118 of the Election Law with the appropriate filing officer. For the purposes of this subdivision, the term political committee shall not include a party or constituted committee.

Executive

6200.8 Reporting requirements.

Whenever a person or entity, such as a consultant acting on behalf of a political committee which supports or opposes candidates for any pubic office or party position or which supports or opposes any proposition, subcontracts for finished goods or services, the treasurer of the committee shall, in addition to reporting the expenditure made to such consultant or agent, report the name, address and amount expended to each person or entity providing such goods or services the cost of which exceeds, in the case of a committee supporting candidates for statewide office, $10,000 and all other committees, $5,000. The treasurer of any committee which makes such expenditures may, in lieu of providing such information on the statement which lists the expenditure, include the information on a separate schedule to be filed with the committee's 27-day post general election statement or if it relates to a primary election, with the 10-day post primary statement. In such case the schedule entry shall reference the statement in which the expenditure is listed.

Executive

6200.9 Legibility of financial disclosure forms.

All filings made pursuant to sections 14-102, 14-104, 14-112 and 14-118 of the Election Law must be typed or printed legibly in black or blue ink. Upon receipt of a filing made pursuant to these sections, which the financial disclosure unit determines not to meet the requirements of this rule, the unit shall make a copy of such filing for placement in the public view file and return the original to the treasurer or candidate by first class mail. If a legible filing is not made to the board within 10 business days of the mailing of such form to the treasurer or candidate, this shall be considered a failure to file under the provisions of the Election Law, section 14-126.