

**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)

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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.

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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.

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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).

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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.

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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.

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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."

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.

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 public 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.

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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.

1 Subtitle V of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of  
2 New York is hereby amended by repealing Part 6200.10, and replacing it in whole with a new  
3 Part 6200.10 to read as follows:

4

5 §6200.10 Disclosure of Independent Expenditures

6 **(a) Purpose and Overview**

7

8 The purpose of this Regulation is to set forth the requirements under the New York State  
9 Election Law regarding compliance with the Independent Expenditure disclosure.

10

11 The New York State Election Law mandates how financial activity, including independent  
12 expenditures, is to be disclosed. Article 14 of the Election Law (“EL”) sets forth the requirement  
13 that independent expenditures be disclosed through the filing of campaign financial disclosure  
14 reports.

15

16 **(b) Definitions**

17

18 (1) **“Independent Expenditure”** means:

19 (a) an expenditure made by a Person conveyed to five hundred (500) or more members of a  
20 General Public Audience in the form of (i) an audio or video communication via broadcast, cable  
21 or satellite, (ii) a written communication via advertisements, pamphlets, circulars, flyers,  
22 brochures, letterheads or (iii) other published statements which:

23 (i) irrespective of when such communication is made, contains words such as "vote," "oppose,"  
24 "support," "elect," "defeat," or "reject," which call for the election or defeat of the Clearly  
25 Identified Candidate, or

26 (ii) refers to and Advocates For or Against a Clearly Identified Candidate or ballot proposal on  
27 or after January first of the year of the election in which such candidate is seeking office or such  
28 proposal shall appear on the ballot. (EL 14-107(1) (A)).

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1 For purposes of this regulation “Advocates for or Against” means – in the absence of explicit  
2 words of advocacy for or against a candidate or ballot proposal, through the use of images,  
3 photos, or language which promotes, supports, attacks, or opposes for or against the Clearly  
4 Identified Candidate or ballot proposal.

5 For purposes of determining whether or not a communication is advocating for or against  
6 a candidate or ballot proposal, the following factors shall be considered, but shall not be limited  
7 to:

- 8 a. Whether it identifies a particular candidate by name or other means such as party  
9 affiliation or distinctive features of a candidate’s platform or biography;
- 10 b. Whether it expresses approval or disapproval for said candidate’s positions or actions;
- 11 c. Whether it is part of an ongoing series by the group on the same issue and the series is  
12 not timed to an election;
- 13 d. Has the issue raised in the communication been raised as a distinguishing characteristic  
14 amongst the candidates; and
- 15 e. Whether its timing and the identification of the candidate are related to a non-electoral  
16 event (e.g.. a vote on legislation or a position on legislation by an officeholder who is  
17 also a candidate).

18 However, even if some of the above factors are found, the communication must still be  
19 considered in context before arriving at any conclusion.

20 (b) an Independent Expenditure shall not include communications where such candidate, the  
21 candidate's political committee or its agents, or a political committee formed to promote the  
22 success or defeat of a ballot proposal or its agents, did authorize, request, suggest, foster or  
23 cooperate in such communication. (EL 14-107(1) (A)).

24 (c) Independent Expenditures do not include expenditures in connection with:

- 25 (i) a written news story, commentary, or editorial or a news story, commentary, or editorial  
26 distributed through the facilities of any broadcasting station, cable or satellite unless such  
27 publication or facilities are owned or controlled by any political party, political committee or  
28 candidate; or

- 1 (ii) a communication that constitutes a candidate debate or forum; or
- 2 (iii) internal communication by members to other members of a Membership Organization of  
3 not more than five hundred (500) members, for the purpose of supporting or opposing a  
4 candidate or candidates for elective office, provided such expenditures are not used for the costs  
5 of campaign material or communications used in connection with broadcasting, telecasting,  
6 newspapers, magazines, or other periodical publication, billboards, or similar types of general  
7 public communications; or
- 8 (iv) a communication published on the internet, unless the communication is a paid  
9 advertisement. (EL 14-107(1)(B))

10

11 (2) "**Clearly Identified Candidate**" means that:

- 12 (a) the name of the candidate involved appears;
- 13 (b) a photograph or drawing of the candidate appears; or
- 14 (c) the identity of the candidate is apparent by unambiguous reference. (EL 14-100(12))

15

16 (3) "**General Public Audience**" means an audience composed of members of the public,  
17 including a targeted subgroup of members of the public; provided, however, it does not mean an  
18 audience solely comprised of members, retirees and staff of a labor organization or members of  
19 their households or an audience solely comprised of employees of a corporation, unincorporated  
20 business entity or members of a business, trade or professional association or organization. (EL  
21 14-100(13))

22

23 (4) "**Labor Organization**" means any organization of any kind which exists for the purpose, in  
24 whole or in part, of representing employees employed within the State of New York in dealing  
25 with employers or employer organizations or with a state government, or any political or civil

1 subdivision or other agency thereof, concerning terms and conditions of employment,  
2 grievances, labor disputes, or other matters incidental to the employment relationship. For the  
3 purposes of this regulation, each local, parent national or parent international organization of a  
4 statewide labor organization, and each statewide federation receiving dues from subsidiary labor  
5 organizations, shall be considered a separate labor organization. (EL 14-100(14)).

6

7 (5) **“Membership Organization”** means a group that has a recognized organizational structure  
8 and maintains a list of its members, such as a professional, fraternal, patriotic, or social  
9 association or organization, a cooperative, a corporation without capital stock, and is not  
10 organized primarily for the purpose of influencing the nomination for election, or election, of  
11 any candidate for office covered by Article 14 of the Election Law of the State of New York, or  
12 any ballot proposal covered therein.

13 Factors that shall be examined when determining whether or not a group shall be considered a  
14 “Membership Organization” for this purpose shall include, but not be limited to the following:

- 15 a) Whether or not the organization is composed of members, some or all of whom  
16 are vested with the power or authority to administer the organization pursuant to  
17 membership by-laws, constitution or other formal organizational documents;
- 18 b) Expressly states the qualifications for membership, including special membership  
19 status such as “retired” or “lifetime” member;
- 20 c) Expressly solicits persons to become members;
- 21 d) Expressly acknowledges the acceptance of membership, such as by issuing a  
22 membership card or sending confirming correspondence;
- 23 e) Distributes newsletters or other informational messages to its members;
- 24 f) Has a mission statement that is available for the members and the public to see;
- 25 g) Is not organized for the purpose of influencing the nomination for election, or  
26 election, of any candidate for office or any ballot proposal covered by Article 14  
27 of the Election Law.

28

1 (6) **“Person”** means for purposes of this section, a person, group of persons, corporation,  
2 unincorporated business entity, labor organization or business, trade or professional association  
3 or organization, or political committee. (EL 14-107(1)(C)).

4  
5 **(c) Registration**

6  
7 (1) Before any person makes an independent expenditure, they shall first register with the  
8 New York State Board of Elections (“the Board”) as a political committee in  
9 conformance with Article 14 of the Election Law, and shall comply with all disclosure  
10 obligations required for political committees by law. (EL14-107(3)(A))

11 a. On forms prescribed by the Board, the person seeking to register an  
12 independent expenditure committee, formed to support or oppose unauthorized  
13 candidates, shall fully complete, sign and submit the Committee Registration  
14 Treasurer and Bank Information Form (CF-02) and the Committee  
15 Authorization Status Form (CF-03) to the Board.

16 i. Independent Expenditure Committees formed to support or oppose  
17 candidates shall submit a fully completed and signed Committee  
18 Registration Treasurer and Bank Information Form(CF-02), declaring  
19 itself as an “Independent Expenditure – type 8” Committee in the  
20 section B field for “Committee Type” to the Board .

21 ii. On the Committee Authorization Status Form (CF-03), each  
22 independent expenditure committee must complete part B, listing  
23 unauthorized candidates.

24 b. Independent Expenditure Committees formed to support or oppose a ballot  
25 proposal shall submit a fully completed and signed, Committee Registration  
26 Treasurer and Bank Information Form(CF-02), declaring itself as a “Ballot  
27 Issue Committee – type 9B” in the section B field for “Committee Type” to the  
28 Board .

1 (2) Before such a political committee may receive any receipt or contribution, or make any  
2 expenditure or incur any liability, the treasurer of such political committee must first  
3 register with the State Board, pursuant to the procedures set forth by the State Board.  
4 Registration forms are available from the State Board. (EL14-118)

5  
6 **(d) Filing Financial Disclosure Statements**

7  
8 (1) Committees making independent expenditures are obligated, as are all political  
9 committees, to file campaign financial disclosure statements pursuant to and in the  
10 manner set forth in EL 14-102. For each election in which they support or oppose  
11 candidates or ballot proposals, the committee must submit election reports (3 primary,  
12 and 3 general and/or special, as applicable), as well as campaign financial disclosure  
13 periodic reports, due on January 15 and July 15 of each year in accordance with EL 14-  
14 108, NYCRR 6200.2. (EL 14-107(3)(A)).

15 a. All independent expenditure committees are required to file applicable election  
16 reports for each election unless the independent expenditure committee submits a  
17 fully completed Notice of Non-Participation in Election(s) (CF-20), electronically  
18 or by mail, as prescribed by the Board.

19  
20 (2) Weekly Disclosure regarding Independent Expenditures: any person who has registered  
21 with the State Board pursuant to paragraph (A) of EL 14-107(3) as a political committee  
22 for the purposes of disclosing Independent Expenditures, shall disclose to the State Board  
23 electronically, once a week on the Friday following the receipt of any contribution to  
24 such person over one thousand dollars (\$1,000) or expenditures made by such person  
25 over five thousand dollars (\$5,000) made at any time during the year except during the  
26 24-hour notice disclosure period before an election (EL 14-107(3)(B)). All contributions,  
27 loans or expenditures that are required to be disclosed via a weekly disclosure must also  
28 be disclosed on the next applicable financial disclosure statement.

29  
30 (3) Independent Expenditures Committee 24 Hour Disclosure: any person who has registered  
31 with the State Board pursuant to paragraph (A) of EL 14-107(3) as a political committee

1 for the purposes of disclosing Independent Expenditures, shall disclose to the State Board  
2 electronically, within twenty-four (24) hours of receipt, any contribution or loan to such  
3 person over one thousand dollars (\$1,000) or expenditure by such person over five  
4 thousand dollars (\$5,000) made within thirty (30) days before any primary, general, or  
5 special election. (EL14-107(3)(C)). All contributions, loans or expenditures that are  
6 required to be disclosed via the Independent Expenditure 24-hour notice must also be  
7 disclosed on the 11 day pre-election financial disclosure statement or on the post-election  
8 financial disclosure statement, as applicable.  
9

10 (4) Every statement shall be filed electronically with the State Board. (EL 14-107(6)).  
11

12 **(e) Additional Information Required Regarding Independent Expenditures**  
13

14 (1) The Weekly and 24 Hour Disclosures required by subdivision (3)(B) and (C) of EL  
15 14-107, as set out in (d) (2) and (3) above, shall include, in addition to any other information  
16 required by law:

17 (a) the name, address, occupation and employer of the person making the statement;

18 (b) the name, address, occupation and employer of the person making the Independent  
19 Expenditure;

20 (c) the name, address, occupation and employer of any person providing a contribution,  
21 gift, loan, advance or deposit of one thousand dollars (\$1,000) or more for the Independent  
22 Expenditure, or the provision of services for the same, and the date it was given;

23 (d) the dollar amount paid for each independent expenditure, the name and address of the  
24 person or entity receiving the payment, the date the payment was made and a description of the  
25 Independent Expenditure; and

1 (e) the election to which the Independent Expenditure pertains and the name of the  
2 clearly identified candidate or the ballot proposal referenced. (EL 14-107(4)).

3 (2) The provisions of this regulation are in no way intended to effect the application or  
4 validity of Election Law 14-120.

5  
6 **(f) Disclosure of Political Communications / “Campaign Materials”**

7  
8 (1) All political committees whose activity requires the filing of primary, general and/or  
9 special election reports, must at the same time the applicable post-election campaign  
10 financial disclosure report is due and made, submit copies of all the filer’s political  
11 communications, also known as campaign materials, associated with that election.  
12 Copies shall include a copy of all broadcast, cable or satellite schedules and scripts,  
13 internet, print and other types of advertisements, pamphlets, circulars, flyers,  
14 brochures, letterheads and other printed matter purchased or produced, and  
15 reproductions of statements or information published to five hundred or more  
16 members of a general public audience by computer or other electronic device  
17 including but not limited to electronic mail or text message, purchased in connection  
18 with such election by or under the authority of the person filing the statement or the  
19 committee or the person on whose behalf it is filed, as the case may be. Such copies,  
20 schedules and scripts shall be preserved by the officer with whom or the board with  
21 which it is required to be filed for a period of one year from the date of filing thereof.  
22 (EL14-106)

23  
24 (2) In addition to the requirements of subparagraph 1 herein, for statements filed in  
25 conjunction with (d) (2) and (3) above, a copy of all political communications paid  
26 for by the independent expenditure, including but not limited to broadcast, cable or  
27 satellite schedules and scripts, advertisements, pamphlets, circulars, flyers, brochures,  
28 letterheads and other printed matter and statements or information conveyed to one  
29 thousand or more members of a general public audience by computer or other

1 electronic devices shall be filed with the State Board with the statements required by  
2 (d)(2) and (3).(EL 14-107(5)).

3  
4  
5 **(g) Attributions and Identification of Independent Expenditures**

6  
7 (1) Whenever any person makes an Independent Expenditure that costs more than one  
8 thousand dollars (\$1,000) in the aggregate, such communication shall clearly state the  
9 name of the person who paid for or otherwise published or distributed the  
10 communication and state, with respect to communications regarding candidates, that  
11 the communication was not expressly authorized or requested by any candidate, or by  
12 any candidate's political committee or any of its agents. (EL 14-107(2)).

13  
14 **(h) Non-compliance**

15  
16 (1) Any person who falsely identifies or knowingly fails to identify any Independent  
17 Expenditure as required by subdivision 2 of section 14-107, as outlined in (g) (1),  
18 “Attributions and Identification of Independent Expenditures” above, shall be subject  
19 to a civil penalty up to one thousand dollars (\$1,000) or up to the cost of the  
20 communication, whichever is greater, in a special proceeding or civil action brought  
21 by the State Board Chief Enforcement Counsel or imposed directly by the State  
22 Board. For purposes of this subdivision, the term "person" shall mean a person,  
23 group of persons, corporation, unincorporated business entity, labor organization or  
24 business, trade or professional association or organization or political committee. (EL  
25 14-126(3)).

26  
27 (2) In addition to any other penalty that may otherwise pertain, a knowing and willful  
28 violation of the provisions of subdivision (3) of EL 14-107 shall subject the person to  
29 a civil penalty equal to five thousand dollars (\$5,000) or the cost of the  
30 communication, whichever is greater, in a special proceeding or civil action brought  
31 by the Board or imposed directly by the Board. (EL 14-107(3)(D)).