



PROPOSED RESOLUTION 24-07

Resolution to Adopt Emergency Amendments and to Propose Amendments to 9 NYCRR Subtitle V Part 6221 by Amending Section 6221.16 Related to Contribution Cards, Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, Election Law § 14-201(3)(a) requires the authorized political committees of participating candidates to report “to the PCFB every contribution...received...”; and

WHEREAS, Section 6221.16 of Title 9 of the NYCRR requires these authorized committees to provide a contribution card that captures certain information for each contribution that is submitted for match for Public Funds; and

WHEREAS, mandating that the contributor’s phone number or email address be provided on a contribution card would greatly assist in the audit and processing of contributions in order to pay matchable claims, but are not currently required to be provided on such contribution cards; and

WHEREAS, contributions made by check or online processor provide sufficient information in certain circumstances to efficiently audit and process contributions; and

WHEREAS, time is of the essence, as it would be impossible to adopt these regulations in time for efficient auditing and processing of contributions for possible payment of matching funds for the General Election; and

WHEREAS, based upon the foregoing, it is necessary for the general welfare of the public that the amendments to Section 6221.16 of Title 9 of the NYCRR be added on an Emergency Basis, in accordance with SAPA § 202;

NOW THEREFORE BE IT RESOLVED, that the Public Campaign Finance Board, does hereby adopt the amended Section 6221.16 of the NYCRR and the Counsels for the Public Campaign Finance Board are hereby authorized and directed to take steps necessary pursuant to SAPA § 202 to effectuate this ninety-day emergency adoption of the amendment to 9 NYCRR Subtitle V Section 6221.16; and

BE IT FURTHER RESOLVED, that the Counsels for the Public Campaign Finance Board are hereby authorized and directed to take steps necessary pursuant to SAPA § 202 to provide for the publication of proposed rulemaking related to the permanent amendment to 9 NYCRR Subtitle V Section 6221.16 and to provide notice of the public comment period of sixty days thereafter.

Amend 9 NYCRR Part 6221.16(c) as follows:

(c) Matching Fund Claims. In addition to any required Campaign Finance Disclosure Statements, participating candidates may submit claims for matching funds to the PCFB.

(1) Matching fund claims may be filed as frequently as once a week on forms prescribed by the State Board of Elections, and shall indicate which contributions are being claimed for matchable funds and the amount of matching funds they are requesting. Such claims shall be filed by 1 p.m. EST on dates prescribed by the PCFB.

(2) Contribution Card. The authorized committee must provide background documentation with each matching fund claim in the form of a fully completed contribution card with each contribution reported. **Matching fund claims submitted without a contribution card or with a contribution card lacking required information shall be denied, pending submission of missing required information as shall be determined by PCFB staff.**

(i) The PCFB shall prepare a sample contribution card and post such sample on its website.

(ii) Contribution cards used by committees must be substantially similar to the sample contribution card posted by the PCFB.

(iii) Any contribution card that is a copy of such a sample shall be deemed to meet the requirements imposed by this section.

(iv) Contribution cards shall include, but not be limited to, the following information: the contributor's name and residential address, **the contributor's phone number or email address**, the amount of the contribution, the authorized committee's name, the contributor's selection of an instrument code corresponding to the instrument used to make the contribution, and a section containing an affirmation for a contributor to sign.

(v) The contribution card requirements imposed by this section shall be deemed met if:

(A) For contributions made by check, if such check has the name and address of the contributor printed on such check. If such check has a handwritten name or address, then a fully completed contribution card shall be required;

(B) For contributions made by an online processor, if such processor provides the information required on such card pursuant to this section.

(3) Upon approving such claims, the PCFB shall cause to have a record of the claim posted on its website. At a minimum, the claim shall include the same information as is provided in the public disclosure of campaign finance disclosure statements.

(4) Such claims shall be disclosed in the next scheduled campaign finance disclosure statement.