



## **ADOPTED RESOLUTION 24-13**

### **Resolution to Adopt A Mechanism for Computing Surplus**

**WHEREAS**, Election Law § 14-201 (19), defines “surplus” as the difference between the total sum of contributions received and public matchable funds received by a participating candidate and their authorized committee, and the total campaign expenditures for all covered elections held in the same calendar year; and

**WHEREAS**, Election Law § 14-208(2)(c) requires any surplus arising out of the above calculation to be repaid to the Public Campaign Finance Board (PCFB) and such amount is capped at the amount of public matching funds received; and

**WHEREAS**, total campaign expenditures include any permissible expenditures existing under Title I of Article 14 of the Election Law including for the purpose of holding a public office or contribution to another campaign; and

**WHEREAS**, a transfer, as defined in Election Law § 14-200-a (18), is a permissible expenditure under Title I of Article 14 of the Election Law as outlined in the attached memorandum; and

**WHEREAS**, pursuant to Election Law § 14-206(2) public matching funds may not be used for “expenditure[s] to support another candidate or political committee or party committee or constituted committee[.]”

**NOW THEREFORE BE IT RESOLVED**, that the Public Campaign Finance Board does hereby determine that transfers using non-public matching funds are included in the total campaign expenditures portion of the surplus calculation as outlined in the attached memorandum and directs staff to use such computation to determine such surplus.

**Adopted December 9, 2024**

**Vote: 4-3**

- **In Favor: Lifton, Bagnuola, Berger, Gaskins-Nathan**
- **Opposed: Kolb, Casale, Kosinski**