



Public Campaign Finance Board

Approved August 6, 2025

VOTE 7 YES – 0 NO

APPROVED RESOLUTION 2025-10

August 6, 2025

Resolution to Adopt Emergency Amendments and to Propose Amendments to 9 NYCRR Subtitle V Part 6221 Related to the Public Campaign Finance Program, Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, on May 9, 2025, the Governor signed into law Part OO of Chapter 55 of the Laws of 2025, amending Title II of Article 14 of the Election Law and other statutes related to the Public Campaign Finance Program; and

WHEREAS, it is necessary to amend Part 6221 of Title 9 of the NYCRR in order to implement the amendments made by Part OO; and

WHEREAS, the effective date of Part OO is August 7, 2025, and certain regulatory and procedural changes will need to be effectuated for the proper administration of the Program; and

WHEREAS, time is of the essence, as it would be impossible to adopt these regulations in time for the effective date of Part OO; and

WHEREAS, based upon the foregoing, it is necessary for the general welfare of the public that the amendments to Section 6221 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 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 amendments to 9 NYCRR Subtitle V Section 6221 and any necessary extension thereof; 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 and to provide notice of the public comment period of sixty days thereafter.

6221.1 (a), (k), and (q) are amended as follows:

(a) The term "authorized committee" shall mean the ~~single~~ political committee designated by a candidate pursuant to these rules to receive contributions and make expenditures in support of the candidate's campaign for such election.

(k) (1) The term "matchable contribution" shall mean a contribution not less than five dollars and not more than two hundred fifty dollars per each covered election in the aggregate, for a candidate for public office to be voted on by the voters of the entire state or for nomination to any such office, a contribution for any covered elections held in the same election cycle, made by a natural person who is a resident in the state of New York to a participating candidate, and for a candidate for election to the state assembly or state senate or for nomination to any such office, a contribution for any covered elections held in the same election cycle, made by a natural person who is also a resident of such state assembly or state senate district from for which such candidate is seeking nomination or election, that has been reported in full to the PCFB in accordance with sections 14-102 and 14-104 of the Election Law by the candidate's authorized committee and has been contributed on or before the day of the applicable primary, general, or special election. Any contribution, contributions, or a portion of a contribution determined to be invalid for matching funds by the PCFB may not be treated as a matchable contribution for any purpose.

(2) The following contributions are not matchable:

(i) loans;

(ii) in-kind contributions of property, goods, or services;

(iii) contributions in the form of the purchase price paid for an item with significant intrinsic and enduring value;

(iv) transfers from a party or constituted committee;

(v) anonymous contributions;

(vi) contributions whose source is not itemized as required by these regulations and Title 2 II of Article 14 of the Election Law;

(vii) contributions gathered during a previous election cycle;

(viii) illegal contributions;

(ix) contributions from minors, where "minor" means a natural person under the age of eighteen years at the time of the contribution;

(x) contributions from vendors for campaigns hired by the candidate or their authorized committee in furtherance of the nomination or election of the candidate for such election cycle, provided however, for the purposes of this subparagraph an employee of the candidates'

authorized committee or campaign shall not be considered a vendor;

(xi) contributions from lobbyists registered pursuant to subdivision (a) of section one-c of the Legislative Law; ~~and~~

(xii) ~~any~~ the portion of a contribution which is when the aggregate contributions are in excess of two-hundred fifty dollars, as a single contribution or in the aggregate, per each covered election in the election cycle from any one contributor to such participating candidate for nomination or election; ~~and~~

(xiii) any portion of a contribution totaling over one thousand fifty dollars as a single contribution or in the aggregate in an election cycle shall not be matchable in any amount.

(q) The term “surplus” shall mean those funds where the total sum of all contributions received and public matchable funds received by a participating candidate and their authorized committee exceeds the total campaign expenditures of such candidate and authorized committee for all covered elections held in the same calendar year or for a special election to fill a vacancy. Total campaign expenditures shall include transfers, contributions out and all other lawful liabilities incurred. For purposes of this part, outstanding loans and loan repayments are not included for the purposes of the surplus calculation. Additionally, funds raised from a prior election cycle and subsequently transferred shall not be used to calculate the surplus; however, any funds transferred that were raised during the covered election cycle from a committee authorized by the candidate shall be used in calculating of the surplus. The surplus repayment shall not exceed the total amount of public matching funds received by the committee.

The title of 6221.5, 6221.5(b) and (d) are amended and new subdivision (e) is added as follows:

6221.5 Filer Registration and Re-Registration.

(a) Participating candidates may have only one authorized committee per elective office in which they seek to participate in the public campaign finance program.

(b) To participate in the public campaign finance program, ~~a new~~ an authorized political committee for the covered elective office sought shall register with the State Board of Elections. ~~Any previous authorized committees that is associated with the candidate and are for the same elective office sought, including committees from previous election cycles, shall be terminated.~~ Candidates may designate an existing authorized political committee that is associated with and approved by such candidate that was used for the same covered elective office sought, including an authorized political committee from a previous election cycle, and in such instance shall not be required to establish a new authorized committee for each election cycle. Any bank accounts used by the committee may ~~shall~~ be ~~new, and not be~~ the same bank accounts used by a previous authorized committee if such candidate designates that existing authorized political committee, and if it was for the same covered elective office sought. ~~If a~~

new authorized committee is otherwise necessary pursuant to section 14-201 of the Election Law, then any bank accounts used by such new committee shall be a new bank account. Bank accounts used by the committee shall be capable of accepting electronic fund transfers.

(c) Such new authorized committees must register prior to accepting or making any contributions or expenditures on forms prescribed by the State Board of Elections and pursuant to 6200.1 of this Title, and shall be the candidate's sole authorized committee for the elective office sought. Such authorized committee, treasurer, and candidate, as applicable, are subject to the provisions of 14-102, 14-104, 14-106, 14-108, 14-110, 14-112, 14-118, 14-120, 14-122, 14-124, 14-126 of Article 14 of the Election Law as well as Title II of Article 14 of the Election Law.

(d) Any contributions raised prior to the registration of a new authorized committee shall not be eligible for matching of public funds, nor shall ~~they~~ be used to determine eligibility thresholds, provided however, any existing authorized political committee for the same elective office sought designated by a candidate shall be deemed to have been registered on the first day of the current election cycle. If a candidate in the prior election cycle has an existing authorized political committee for the same elective office sought and thereafter opens a new PCFB authorized committee for the current election cycle, then the new PCFB authorized committee shall be deemed to have been registered on the first day of the current election cycle if the candidate designated such new PCFB committee.

(e) Any expenditures made prior to the registration of a new PCFB authorized committee but incurred during and related to the current election cycle by any existing authorized political committee for the same elective office sought which is designated by a candidate for participation in the program shall be deemed to be expenditures for the purpose of the surplus calculation in the current election cycle.

6221.7(a), (b), (c)(2), (c)(3), (c)(4), (d)(7), (d)(9), (e)(3) are amended as follows:

(a) To be eligible to receive funds pursuant to Title ~~2~~ II of Article 14 of the Election Law, a candidate must submit an application prescribed by the PCFB. Such application shall be filed pursuant to a schedule released by the PCFB; provided, however, that an application must be filed at least four months prior to the date of the primary election of the election year in question; or in the case of a substitution, no later than one week after a certificate of substitution is filed for the designation or nomination of such candidate, or, for a special election, the certification must be filed on or before the last day in which a certificate of nomination may be filed for the office in question. For a substituted candidate, such application shall be filed with the PCFB no later than 15 business days prior to the payment date on which a participating candidate is eligible to receive public funds in order to receive such funds on such date.

(b) Such application shall include a statement from the candidate indicating the political

committee that is the sole authorized ~~political~~ committee for the candidate for the covered elective office sought.

(c) The application shall contain any signatures and notarizations as may be required by the PCFB and include:

(1) the candidate's name, residential address, mailing address, telephone number, employment information and email address;

(2) the name and mailing address of the candidate's sole authorized ~~political~~ committee;

(3) the name of the treasurer of the sole authorized ~~political~~ committee, as well as the treasurer's residential address, mailing address, telephone number, and email address;

(4) the name, residential address, mailing address, email address, and telephone number of any person authorized to sign checks for the sole authorized ~~political~~ committee;

(5) identification of all bank accounts and other depository accounts, including merchant and payment processor accounts, into which receipts have been, or will be, deposited, and all bank accounts used for the purpose of repaying debt from a previous election; and

(6) other information as required by the PCFB.

(d) The application shall include a certification, which shall set forth a candidate's acceptance of, and agreement to, comply with the terms and conditions for the provision of such funds in each covered election. Such terms and conditions shall be prescribed by the PCFB, but, at a minimum, such terms and conditions shall include:

(1) The candidate and political committee will comply with any documentation requirements set forth in Article 14 of the Election Law or these rules;

(2) The candidate and political committee will ensure that the political committee will keep and furnish to the PCFB all documentation for matching fund submissions, any books, records (including bank records for all accounts), and supporting documentation and other information that the PCFB may request;

(3) The candidate and political committee will ensure that the political committee will keep and furnish to the PCFB all documentation relating to disbursements and receipts including any books, records (including bank records for all accounts), all documentation required by this part, and other information that the PCFB may request;

(4) The candidate and political committee will permit an audit and examination of all documents related to campaign finance disclosure statements, including, but not limited to, receipts, expenditures, loans, and transfers and the candidate and political committee shall also provide any material required in connection with an audit, investigation, or examination conducted by the PCFB;

(5) The candidate, treasurer and/or political committee, as applicable, shall pay any amounts required to be repaid or pay any fine as required under this part;

(6) The candidate understands that the use of an entity other than the authorized committee, and/or party and/or constituted committees, to aid or otherwise take part in the election(s) that this Certification covers is a violation of Article 14 of the Election Law;

(7) Candidates, Treasurers, and campaign representatives ~~should~~ shall familiarize themselves with Title II of Article 14 of the Election Law and the requirements contained therein;

(8) The candidate and treasurer shall, upon direction from the PCFB staff, register with the Statewide Financial System (“SFS”) to create a vendor profile and obtain a vendor ID for the purpose of allowing the transfer of public matching funds payments to the bank account of the candidate’s authorized committee;

(9) The treasurer shall set up direct deposit in SFS. The candidate and treasurer ~~should~~ shall familiarize themselves with the business rules and requirements for use of the SFS for the purpose of ~~creating~~ using their vendor profile, updating it as may become necessary, and for the submission of any relevant documentation or materials. ~~The treasurer shall set up direct deposit in SFS.~~ Candidates and treasurers will be required to complete training regarding use of the SFS system, as applicable, upon direction of PCFB staff.

(e) The application applies to the covered election the candidate is seeking. A committee need only file one application to cover both the primary and general election for the covered election cycle. Special elections require a separate application. An application shall not be complete or approved until a certification form has been submitted and has been reviewed, accepted and approved as being complete by the PCFB and the candidate so notified.

(1) Additionally, the treasurer of the authorized committee shall submit a certification with the application. The terms and conditions of the certification shall be prescribed by the PCFB.

(2) PCFB shall provide confirmation to the candidate upon submission of a completed application and certifications.

(3) If it is determined that an application is incomplete, the PCFB shall provide the candidate and committee an opportunity to cure any defects. If the certification is initialed, signed, and notarized, the deadline for such corrections is one week after the deadline of four months prior to the primary election or, for a substituted candidate, two weeks after the certificate of substitution is filed. If the certification is not initialed, signed, and notarized, the deadline for such corrections is four months prior to the primary election or, for a substituted candidate, one week after the certificate of substitution is filed.

6221.8 is amended as follows:

(a) No payments shall be made to a candidate, including a substituted candidate, unless the PCFB has determined that such candidate or substituted candidate has demonstrated that they have met all eligibility requirements set forth in ~~Title 2~~Title II of Article 14 of the Election Law and this part. The eligibility status of a candidate shall not transfer to a substituted candidate. Challenges to the PCFB's denials or withholdings of public funds payments pursuant to this section and section 6221.20(e) of these regulations shall be brought in Albany County Supreme Court pursuant to Election Law section 14-209(4).

(b) The PCFB may determine that a public funds payment will not be paid to a candidate if:

(1) the political committee fails to submit a disclosure statement required by these rules;

(2) the candidate and/or political committee fails to provide to the PCFB, upon its request, all documents or records required;

~~(3) the candidate and political committee are required to repay public funds previously received, as described in this part, or the candidate or political committee has failed to pay any outstanding claim of the PCFB for the payment of civil penalties or the repayment of public funds against such candidate or such candidate's authorized committee or an authorized committee of such candidate from a prior covered election, provided that the candidate and treasurer have received written notice of the potential payment obligation and potential ineligibility determination in advance of the certification deadline for the current covered election and an opportunity to present reasons for such candidate's eligibility for public funds to the PCFB; previous public funds payments to the candidate for the election equal the maximum permitted by the ~~Title 2~~Title II of Article 14 of the Election Law; or~~

~~(45) the candidate has been found by the PCFB to~~ has reasonable suspicion that the candidate, committee, or any of the committee's agents have committed fraud or material misrepresentation in the course of participating in the public campaign finance program or to be in committed a fundamental breach of certification pursuant to paragraph c of section 6221.7~~6221.8~~ of this part.

(c) Following an enforcement action pursuant to 6221.42 which finds a fundamental breach of certification, the candidate will be deemed by the PCFB to be ineligible for public funds for the covered election and to have forfeited all public funds previously received for the elections covered by the certification. Additionally, the candidate will be subject to such civil and criminal sanctions as are applicable under ~~Title 2~~Title II of Article 14 of the Election Law and other applicable law.

6221.9(a) is amended and new subdivision (6-a) is added as follows:

(a) In order to qualify for funds pursuant to Title 2 II of Article 14 of the Election Law, the candidate must:

(6-a) Not owe any payments, repayments, or civil penalties to the PCFB, or any similar payments, repayments, or civil penalties under any local public campaign finance program within the previous ten years.

6221.11(a)(1), (a)(2), (b), (c), (d) are amended and new subdivision (b-1) is added as follows:

(a) The threshold for participating in the public campaign finance program shall be as follows:

(1) the threshold for eligibility for matching funding for participating candidates for the Office of the Governor and Lieutenant Governor (combined) shall be not less than \$500,000 of matchable contributions, including, at least, 5,000 matchable contributions from residents of New York State.

(2) the threshold for eligibility for matching funding for participating candidates for statewide office, other than Governor and Lieutenant Governor, shall be not less than \$100,000 of matchable contributions, including, at least, 1,000 matchable contributions from residents of New York State.

~~(b) Solely for~~ For purposes of achieving the monetary thresholds and contributor thresholds as described in this section, the first \$250 of any contribution of more than two hundred fifty dollars to a candidate or a candidate's committee ~~which would otherwise be matchable except that it comes from a contributor who has contributed more than two hundred fifty dollars to such candidate or candidate's committee~~, is deemed to be a matchable contribution ~~and shall count toward~~ for the purposes of satisfying such monetary threshold and contributor threshold ~~but shall not otherwise be considered a matchable contribution.~~

(b-1) The first two hundred fifty dollars of any contribution or contributions totaling up to a maximum of one thousand fifty dollars in the aggregate in the election cycle to a candidate or candidate's committee shall be considered a matchable contribution, provided that such contribution is otherwise determined to be valid for public matching funds by the PCFB; provided, however, that only the portion of any such contribution which is in excess of two hundred fifty dollars in the aggregate obtained on or before the date of the primary election shall not be deemed matchable for the primary election if applicable; and provided, however, that for aggregate contributions in excess of two hundred fifty dollars obtained on or before the date of the primary election, if applicable, shall be deemed matchable for general election

purposes for the amount above two hundred fifty dollars. Said excess shall only be matchable after the date of the primary election; and provided further, that any contributions totaling over one thousand fifty dollars in the aggregate in the election cycle shall not be matchable in any amount.

(c) The average median income, as described in this section, shall be determined by the median household income published by the United States Census Bureau three years before such election for which public funds are sought. The PCFB shall make public on its website which districts are subject to such reduction no later than two years before the first primary election for which funding is sought, provided however, in a redistricting year, the PCFB shall make public which districts are subject to such reduction as soon as practicable.

(d) Any participating candidate meeting the threshold for eligibility in a primary election for one of the foregoing offices shall be applied to satisfy the threshold for eligibility for such office in any other subsequent election held in the same calendar year. Any participating candidate who is nominated in a primary election and has participated in the public financing program set forth herein, is not required to ~~must~~ participate in the program for the general election for such office, provided that, such candidate notifies the PCFB using a form prescribed by the PCFB that such participating candidate is not participating in the program for the general election. Such form shall be submitted no later than 15 days after the primary election or before such candidate receives any general election public matching funds, whichever is shorter. Participating committees and candidates that submit such form will continue to be subject to a post-election audit after the general election, as well as all document retention requirements, and all enforcement processes and procedures related to their participation in the program.

6221.13 (a)(1) is amended and new subdivision (c) is added as follows:

(a) In regard to contributions, at a minimum, authorized committees of participating candidates shall disclose, on such reports, the following:

(1) the full name and residential address of the contributor; the occupation, and business name and address is also required for those contributors that make aggregate contributions of one hundred dollars or more to the committee. For individuals working remotely, such business address is the address of such business and not the remote address;

(c) A Post Office Box number is not sufficient for any address required by this section.

6221.16 (a), (c)(1), (c)(3) is amended and new subdivisions (d) and (e) are added as follows:

(a) Campaign Finance Disclosure Statements. Pursuant to section 6200.2 of this Part and section 14-201 of the Election Law, authorized committees for participating candidates shall submit disclosure reports, including any required documentation related to such report, by 11:59 ET on the following dates:

(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, including any required documentation related to such claim, shall be received by 11:59 p.m. ET ~~filed by 1 p.m. EST~~ on dates prescribed by the PCFB.

(3) Upon ~~approving~~ vouchering such claims, the PCFB shall cause to have a record of the claim vouchered payment 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.~~

(d) All claims, including any required documentation, shall be received by the deadline for the applicable payment date in order for such payment to be made on such date. Any claim received after such deadline shall be paid on the next applicable payment date if such claim is otherwise eligible for payment.

(e) For contributions made by a check drawn from a joint account, such contribution shall be attributed to the contributor that signs the check. To attribute a portion of the contribution to any other joint account owner, that individual would also need to sign the check. Where more than one joint account holder signs a check, the default attribution for the contribution will be proportional to the number of signers unless indicated otherwise on the check or a contribution card submitted to the PCFB, signed by all of the contributors. If the PCFB is unable to determine how to attribute any contribution, including but not limited to, if the signature(s) on such check is illegible, a completed contribution card from such contributor(s) shall be submitted to the PCFB. For a contribution made by a check drawn from a joint account each attribution amount shall be separately disclosed on the proper campaign finance disclosure statement and the same check number for such contribution shall also be disclosed on such statement.

6221.19(b), (b)(1), (b)(2), and (l) are amended as follows:

(b) Contribution Records. For each contribution received, all participating committees must maintain records demonstrating the source and details of the contribution as described ~~herein~~ in this part. Such records shall include, but not be limited to, contribution cards and the information thereon as required by this part. All records required to be maintained must be provided to the PCFB upon request.

(1) For each contribution in cash or money order that is received from an individual contributor, the committee must have a record of the contributor's full name, residential address, phone number and e-mail address. Note that pursuant to Election Law 14-118(2) cash contributions may not exceed \$100 in the aggregate from any contributor for a particular election. If such information is not itemized on the report for which it is received, these contributions shall not be matched, nor shall they count toward the required threshold monetary amount.

(2) For each contribution received via cashier's check or money order, the record must include a copy of the cashier's check or money order made out to the authorized committee. To accept a cashier's check or money order, the committee must have a record of the contributor's full name and residential address. For cashier's check ~~or money order~~ of \$100 or more in the aggregate, the committee must also have a record of the contributor's occupation and business address.

(l) Travel. Participating committees shall obtain and maintain originals and copies of all checks, bills, or other documentation to verify campaign-related travel transactions reported in disclosure statements or electronic copies of the same. In addition to the above, for all travel, participating committees shall create and maintain a contemporaneous record describing the campaign-related purpose of the travel, the complete travel itinerary, the dates of the travel, and the names of all individuals who participated in the travel. For travel by private car for which travel is reimbursed, participating committees must create and maintain a contemporaneous travel log providing, for each trip and each vehicle, the names of the driver and passengers, the date(s) and purpose of each trip, the itinerary, including all the locations of any campaign events and other stops, the beginning and ending mileage, and the total mileage. Such mileage reimbursement shall cover any and all costs associated with using such private car including, but not limited to gas, maintenance, and insurance. Tolls are not covered by mileage reimbursement and would be considered a separate reimbursement.

6221.20 is amended as follows:

(a) No matching funds shall be paid to an authorized committee unless the PCFB, or its duly designated representatives, determines that the participating candidate has met the eligibility requirements as provided for in ~~Title 2~~Title II of Article 14 of the Election Law and these regulations.

(b) Payments may be made only to a participating candidate's authorized committee via the Statewide Financial System.

(c) A candidate in any covered primary, general, or special election, having demonstrated eligibility to receive public funds, including by meeting the threshold for eligibility for public funding, may receive public matching funds based on valid matchable contribution claims and

the matching rate set forth in this section. Matchable contribution claims shall be accompanied by contribution records as outlined in section 6221.19(b) of this Part.

(d) Payments shall be used as reimbursement or payment for qualified campaign expenditures actually and lawfully incurred or to repay loans used to pay qualified campaign expenses within one year of the election.

(e) Potential issues that could lead to the denial or withholding of payment may include, but are not limited to:

(1) the candidate fails to submit a required disclosure statement;

(2) the candidate fails to provide to the Board, upon its request, documents or records required by these regulations, including bank statements, or other information that verifies campaign activity;

(3) the difference between the candidate's reported receipts and documented receipts, or between the candidate's reported expenditures and documented expenditures, exceeds a maximum threshold percentage. The threshold percentage for each election cycle will be determined and publicized by the Board on or before July 11 or as soon practical thereafter in the year before the year of the election for the applicable covered office, following the 2026 election cycle;

(4) the number of matching claims for which a candidate has failed to provide complete and accurate documentation exceeds a maximum threshold percentage of such candidate's total matching claims. The threshold percentage for each election cycle will be determined and publicized by the Board on or before July 11 or as soon as practical thereafter in the year before the year of the election for the applicable covered office, following the 2026 election cycle;

(5) the number of contributions for which a candidate has failed to report employer information exceeds a maximum threshold percentage of the total number of contributions exceeding \$99 received by such candidate. The threshold percentage for each election cycle will be determined and publicized by the Board on or before July 11 or as soon as practical thereafter in the year before the year of the election for the applicable covered office, following the 2026 election cycle; or

(6) the treasurer ~~and~~ or candidate ~~fails~~ fail to attend the mandatory compliance training;

(7) the candidate has failed to meet one of the eligibility criteria of Title II of Article 14 or these rules;

(8) the candidate is required to repay public funds previously received;

(9) previous public funds payments to the candidate for the covered election have reached the maximum permitted; ~~or~~

(10) the candidate has been found by the Board, in the course of Program participation, to have committed fraud or material misrepresentation or to be in fundamental breach of certification pursuant to section 6221.8(c) of this part; or

(11) The candidate fails to provide the Board with monthly bank statements.

(f) Payments shall be made in accordance with Title II of Article 14 of the Election Law, and shall be calculated as follows:

(1) Calculation of Payment for statewide offices.

(i) If the threshold for eligibility is met for candidates for statewide office, the participating candidate's authorized committee shall receive payment for qualified campaign contributions that are reported and obtained by the PCFB of \$6 of public matching funds for each \$1 of matchable contributions.

(2) Calculation of Payment for senate and assembly offices.

(i) If the threshold for eligibility is met for candidates for the offices state senate or assembly, the participating candidate's authorized committee shall receive payment for qualified campaign contributions that are reported and obtained by the PCFB of \$12 of public matching funds for each dollar of the first \$50 of matchable contributions; \$9 of public matching funds for each dollar of the next \$100 of public matchable contributions; and \$8 ~~dollars~~ for the each dollar of the next \$100 of public matchable contributions.

(g) No portion of any contributions exceeding \$250 in the aggregate shall be matched; The first two hundred fifty dollars of any contribution or contributions totaling up to a maximum of one thousand fifty dollars in the aggregate in the election cycle to a candidate or candidate's committee shall be considered a matchable contribution provided that such contribution is otherwise determined to be valid for public matching funds by the PCFB; provided, however, that only the portion of any such contribution which is in excess of two hundred fifty dollars in the aggregate obtained on or before the date of the primary election shall not be deemed matchable for the primary election, if applicable; and provided, further, that for aggregate contributions in excess of two hundred fifty dollars obtained on or before the date of the primary election, if applicable, may be deemed matchable for general election purposes for the amount above two hundred fifty dollars after the date of the primary election. Any contributions totaling over one thousand fifty dollars in the aggregate in the election cycle shall not be matchable in any amount and any portion of the contribution that had been previously matched shall be returned to the PCFB; provided, however, that a campaign may keep such matched funds, and may make a claim for any contribution under the ~~\$250~~\$1050 threshold if the overage is returned within 7 business days of receipt of notice from the PCFB.

(h) Contributions shall only be matched if they are made by a natural person. Contributions that are attributable to an individual pursuant to section 14-120 of the Election Law shall be used to calculate an individual's aggregate contribution referenced in subdivision (g) of this section to determine if the individual's aggregate contributions exceed ~~\$250~~ 1050 for the applicable election cycle.

6221.21 (a), (c), (f), (g) are amended and new paragraphs (d-1), (k), (l), and (m) are added as follows:

(a) The following limitations apply to the total amounts of matching funds that may be provided to a participating candidate's authorized committee for this program:

(1) In any primary election, receipt of public funds by participating candidates and by their participating committees shall not exceed:

- (i) for Governor and Lieutenant Governor (combined) \$3,500,000
- (ii) for ~~Lieutenant Governor~~, Attorney General or Comptroller \$3,500,000
- (iii) for State Senator \$375,000
- (iv) for Member of the Assembly \$175,000

(2) In any general or special election, receipt of public funds by a participating candidate's authorized committees shall not exceed:

- (i) for Governor and Lieutenant Governor (combined) \$3,500,000
- (ii) for Attorney General \$3,500,000
- (iii) for Comptroller \$3,500,000
- (iv) for State Senator \$375,000
- (v) for Member of the Assembly \$175,000

(c) A candidate only on the ballot in one or more primary elections in which the number of persons eligible to vote for party nominees in each such election totals fewer than 1,000 shall not receive public matching funds in excess of \$5,000 for qualified campaign expenditures in such election or elections; provided, however, such candidate may receive up to five thousand dollars per each additional one thousand voters over the first one thousand voters but shall not receive public funds in excess of fifteen thousand dollars total for qualified campaign expenditures in such election or elections.

(1) The number of persons eligible to vote for party nominees in a primary election shall be as determined by the State Board of Elections for the calendar year of the primary election.

(2) ~~On or about April 15, or as soon thereafter as practicable of,~~ Within one week after the ballot is certified in the calendar year in which primary elections for a covered office shall take place or as soon as practicable thereafter, the PCFB shall publish a list of primary elections in which the number of persons eligible to vote for party nominees in each such election totals fewer than 1,000, and each additional one thousand voters over the first one thousand voters pursuant to subdivision (c) of this section based on the most recent determination of party enrollment by the State Board of Elections. E.g. 0-999 eligible voters equals \$5,000; 1000-1999 eligible voters equals \$10,000; and 2000-2999 eligible voters equals \$15,000.

(d-1) The total amount of public matching funds available to a participating candidate and their authorized committee for a covered general election pursuant to subdivision 2 of section 14-204 of the election law shall be reduced by any unexpended matching funds that the candidate and their authorized committee received for a covered primary election.

(f) A candidate seeking to participate in the public campaign finance program has the burden of showing that they are opposed by a competitive candidate, unless the opposing candidate is a competitive candidate because that candidate has been determined by the PCFB to be eligible to receive public funds payments for the covered election. The PCFB shall publish on its website a list of such candidates that have been deemed eligible to receive public funds. Candidates seeking to show that they are being opposed by a competitive candidate shall submit a signed statement certifying that one or more of the conditions in subdivision (g) of this section applies, along with documentation demonstrating the existence of such condition or conditions, provided however, that if the opposing candidate is a competitive candidate because that candidate has been determined by the PCFB to be eligible to receive public funds payments for the covered election, the candidate does not have to submit such statement or any documentation. Otherwise, such statement shall be submitted for every covered election in the election cycle. The PCFB shall be authorized to verify the truthfulness of any certified statement submitted pursuant to this paragraph and of any supporting documentation. In the event that the first certification attempt is denied by the Board, the candidate seeking funds shall be allowed to make additional attempts for certification of their opponent as competitive, provided that no such attempt shall be allowed to be made. The last day to submit such statement shall be 10 days before the applicable covered election. If it is determined by the PCFB that such statement is incomplete, the PCFB shall provide the candidate and committee an opportunity to correct any defects. Such corrections shall be made no later than 5 days before such election.

(g) A participating candidate is opposed by a competitive candidate when at least one if any of the following conditions are met applies:

(1) For a covered general election only if the margin of victory was twenty points or less in a contest involving an opposing major party candidate in an election for public office in an area encompassing all or part of the area that is the subject of the current election in the last eight years preceding the election of the covered office sought.

(2) The opposing candidate has received the endorsement of a current or former statewide elected official, or a current or former federal elected official representing all or a portion of the area represented by the covered office sought, or a current or former United States senator, or in the case of a district that encompasses a portion of New York City, a current or former citywide elected official.

(3) The opposing candidate has received three or more endorsements from other current or former state, county, city, town, or village elected officials who represent all or a part of the area covered by the election

(4) In the past ten years, the opposing candidate's spouse, domestic partner, sibling, parent,

or child holds or has held elective office in an area encompassing all or part of the district represented by the covered office sought.

(5) The opposing candidate has been deemed eligible to receive public funds payment for the covered election.

(6) The general election in that district was within a twenty-point margin within the last six years

(7) The opposing candidate is self-funding in an amount equal to the minimum dollar thresholds for eligibility set forth in paragraph (a) or (c) of subdivision two of section 14-203 of the Election Law

(8) The opposing candidate previously held elected office.

(9) The opposing candidate has received endorsement of one or more membership organizations with a membership of over one hundred fifty members; provided however, that the participating candidate must provide a description of the organization endorsing such opposing candidate and attach any available evidence of such endorsement.

(10) Within the last eight years, the opposing candidate has received twenty-five percent or more of the vote in an election for public office in an area encompassing all or part of the district represented by the covered office sought.

~~(1) for senate or assembly districts, the opposing candidate has received 25 percent or more of the vote in an election for public office in an area encompassing all or part of the area that is the subject of the current election in the last eight years preceding the election of the covered office sought; or~~

~~(2) for statewide office, the opposing candidate has received 25 percent or more of the vote in an election for public office in a statewide election in the last eight years preceding the election of the covered office sought, or 25 percent or more of the vote in an election for public office in an area encompassing all of a city or county with a population of at least 495,000 people in the last eight years preceding the election of the covered office sought; or~~

~~(3) for senate or assembly districts, the participating candidate is opposed by a candidate who has received: (i) the endorsement of a current or former statewide elected official, or a current or former federal elected official representing all or a portion of the area represented by the covered office sought, or a current or former United States Senator, or in the case of a district that encompasses a portion of New York City, a current or former citywide elected official; or (ii) three or more endorsements from other current or former state, county, city, town, or village elected officials who represent all or a part of the area covered by the election; or (iii) endorsements of one or more membership organizations with a membership of over 150 members; or~~

~~(4) for statewide candidates, the participating candidate is opposed by a candidate who has received: (i) the endorsement of a current or former statewide elected official or a current or former United States Senator, or (ii) three or more current or former members of the House of~~

~~Representatives representing a district in New York State; or (iii) a current or former President of the United States of America, or (iv) a combined twenty of more current or former members of the New York State Senate or New York State Assembly, or (v) the endorsement of a current or former elected official who represents an area encompassing all of a city or county with a population of at least 295,000, or (vi) endorsements of three or more membership organizations with a membership of over 150 members; or~~

~~(5) for senate or assembly districts, is opposed by a candidate whose spouse, domestic partner, sibling, parent, or child holds or has held elective office in an area encompassing all or part of the area represented by the covered office sought in the past ten years; or~~

~~(6) for statewide office, is opposed by a candidate whose spouse, domestic partner, sibling, parent, or child holds or has held elective office statewide, or in an area encompassing all of a city or county with a population of at least 495,000; or~~

~~(7) the participating candidate is opposed by another participating candidate who has been deemed eligible to receive public funds payments for the covered election.~~

(k) (1) If a statement of competitive candidate has already been approved by the PCFB, and another candidate is substituted for the candidate that submitted such approved statement, such approval shall be deemed transferred to the substituted candidate and that candidate shall not have to submit a new statement of competitive candidate. (2) If a participating candidate is opposed by a competitive candidate pursuant to this section and another candidate is substituted for that competitive candidate, the competitive status shall be transferred to the substituted candidate and that candidate shall not have to submit a new statement of competitive candidate.

(l) For the purposes of this section, “membership organization” shall have the same meaning as provided for in 9 NYCRR 6200.10(6). A “membership organization” does not include a “party” as defined in section 1-104 of the Election Law or a “county committee” as defined in Article 2 of the Election Law or a “party committee” or “constituted committee” or “duly constituted subcommittee of a county committee” as defined in section 14-100 of the Election Law.

(m) For the purposes of this section, “elective office” shall include “party positions” as defined in section 1-104 of the Election Law.

6221.22 (b), (c), (d), (f) is amended as follows:

(b) Pursuant to section 14-205 of the Election Law, no later than two business days of

determining eligibility, the PCFB shall ~~authorize voucher~~ the payment of matching funds owed to the participating candidate.

(c) The amount paid to a participant by the Comptroller shall be based upon the PCFB's review and audit of matchable fund claims ~~and qualified campaign expenditures.~~

(d) The PCFB ~~, in conjunction with the Office of the State Comptroller's office,~~ shall schedule ~~at least three payment dates in the thirty days prior to a covered primary, general, or special election.~~ Such payment days shall be published on the PCFB website payments pursuant to subdivision 3 of section 14-205 of the Election Law. Nothing in this section shall be construed to prevent the PCFB from scheduling more payments than are provided for in such Election Law section.

(f) The PCFB shall issue, and post on its website, a schedule of payment dates by January 1st of each election year for both the primary and general election. For special elections, the PCFB shall issue a calendar of scheduled payments by the last day to nominate a candidate for such election. The PCFB may revise the payment schedule for any covered election at the discretion of the PCFB. ~~No matching funds shall be paid to any participating candidates in a primary election before the earlier of 1) thirty (30) days after designating petitions or certificates of nomination shall have been filed or 2) forty five days before such election.(4)~~

6221.27 (a) is amended and new (b) and (c) are added as follows:

(a) The PCFB, or its duly designated representatives, shall conduct audits in the following manner:

(1) Every participating candidate for statewide office who receives public matching funds, and every candidate for any other office who receives \$500,000 or greater in public funds as provided herein, shall be audited by the PCFB along with all other candidates in each such race.

(2) Except as provided in paragraph (a) in this section, the PCFB shall select not more than one third of all participating candidates in covered elections for audit through a lottery, which shall be conducted as outlined in section 6221.28 of this part.

(3) Any cost to the campaign related to the audit post-election audit shall be paid by the participating candidate's authorized committee using matching funds, private funds or a combination of funds.

(4) Participating candidates in ~~both~~ a primary ~~and~~ or general election must maintain a 3% reserve of matching funds for post-election audit purposes.

(5) All audits must be completed within one and a half years after the relevant election, with the exception of cases involving potential campaign-related fraud, knowing and willful violations of Article 14 of the Election law, or criminal activity. The PCFB can audit at any

time for potential campaign-related fraud, knowing and willful violations of Article 14 of the Election law, or criminal activity related to receipt or use of program funds.

(6) The PCFB shall issue to each campaign audited a final audit report that details its findings.

(b) Notwithstanding any provision of this section, participating candidates who do not receive public matching funds as provided in Title II of Article 14 of the Election Law shall not be audited by the PCFB pursuant to this section and 14-208(1) of the Election Law. Nothing in this paragraph shall be construed to prevent the PCFB from investigating a candidate pursuant to this part who did not receive public matching funds. Nothing in this paragraph shall be construed to prevent the PCFB from conducting eligibility reviews of participating candidates.

(c) The names of candidates and districts selected for an audit shall not be disclosed unless there is a declared finding of wrongdoing by the PCFB. Audits shall be conducted in a confidential manner, and any documents, information, or findings are confidential. Upon issuance of a Final Audit Report where the PCFB has found that a violation occurred, any records related to such audit shall be subject to the provisions of Article 6 of the Public Officers Law.

6221.31(a) is amended and new (b) is added as follows:

~~(a) If the total payments of matching funds paid to a participating candidate and total contributions exceed the total campaign expenditures of the committee, such candidate and committee must repay the PCFB any surplus funds no later than 27 days after all liabilities have been paid but not later than the day the PCFB issues its final audit report for the participating committee or candidate.~~

~~For purposes of this section, surplus means those funds where the total sum of contributions received and public matchable funds received by a participating candidate and their authorized committee exceeds the total campaign expenditures of such candidate and authorized committee for all covered elections held in the same calendar year or for a special election to fill a vacancy. For purposes of this part, funds raised from a prior election cycle and subsequently transferred shall not be used to calculate the surplus. The surplus repayment shall not exceed the total amount of public matching funds received by the committee. If at the end of an election cycle or following a special election, surplus funds remain in a participating candidate's authorized committee after all liabilities for qualified campaign expenditures for such election cycle or special election have been paid, such candidate and committee shall pay to the fund an amount equal to the surplus, as defined in subdivision nineteen of section 14-200-a of the Election Law; provided, however, such candidate may retain an amount of such surplus that does not include any public matching funds to the extent such amount does not exceed fifty thousand dollars. No public matching funds shall be eligible to be retained. The surplus repayment shall in no event exceed the total amount of public matching funds received. Any funds raised during any previous election cycle, as described in subparagraph (iii) of paragraph (i) of subdivision one of~~

section 14-203 of the Election Law, shall be excluded from the calculation of surplus funds required by this paragraph and shall not count toward the fifty thousand dollar limit permitted by this section, and such funds may continue to be retained.

(1) A participating candidate may make post-election expenditures with matching funds for routine activities involving ~~nominal cost~~ nominal costs associated with closing a campaign and responding to the post-election audit. Such post-election expenditures shall be made as soon as practicable but no later than 60 days after the general or special election unless specifically authorized by the PCFB. If a candidate participates in the program for the primary election but does not participate in the program for the general election or does not make the ballot for the general election, such candidate may make post-primary election expenditures with matching funds for routine activities involving nominal costs associated with closing a campaign and responding to the post-election audit. Such post-primary election expenditures shall be made as soon as practicable but no later than 60 days after the primary election unless specifically authorized by the PCFB. Such post-election or post-primary election expenditures may include, but is not limited to, payment of utility bills and rent; reasonable staff salaries and consultancy fees for responding to a post-election audit; reasonable staff salaries and legal fees incurred prior to the date of the issuance of the candidate's final audit report and associated with defending against a claim that public funds must be repaid; a post-election event for staff, volunteers, or supporters held within 30 days of the applicable election; reasonable moving expenses related to closing the campaign office; a holiday card mailing to contributors, campaign volunteers, and staff; thank you notes to contributors, campaign volunteers, and staff; payment of taxes and other reasonable expenses for compliance with applicable tax laws; and interest expense. Routine post-election expenditures that may be paid for with remaining public matching funds do not include such items as post-election mailings other than as specifically provided for in this paragraph; making contributions; or making bonus payments or gifts to staff or volunteers. This requirement does not apply to the requirement that campaigns must maintain a 3% reserve to comply with an audit.

(b) Nothing in this part shall be construed to prevent a candidate or their authorized committee from using campaign contributions received from private contributors for otherwise lawful expenditures. Any amounts retained pursuant to this paragraph in such authorized committee after the payment required by this section has been made, may be used for any lawful purpose.