Public Campaign Finance Program Regulation

PART 6221 Public Campaign Finance Program

6221.19 Records to be Maintained

(a) Deposit slips. Treasurers of authorized committees must maintain copies of all deposit slips. The deposit slips must be grouped together with the monetary instruments representing the receipts deposited into the bank or other depository accounts held by the committee for an election. Where the bank or depository does not provide itemized deposit slips, treasurers must make a contemporaneous written record of each deposit. Such written record must indicate the date of the deposit, the amount of each item deposited, whether each item deposited was a check, a cashier's check, a money order, or cash, and the total amount deposited.

(b) Contribution Records. For each contribution received, all participating committees must maintain records demonstrating the source and details of the contribution as described 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 of $100 or more in the aggregate, the committee must also have a record of the contributor's occupation and business address.

(3) For each contribution received via check, the record must include a copy of the check made out to the authorized committee and signed by the contributor. To accept a check, the committee must have a record of the full name of the contributor and residential address. For contributors who make contributions of $100 or more in the aggregate, the committee must also have a record of the contributor's occupation and business address.

(4) For each contribution received via credit card, the participating committee shall maintain a copy of the unique merchant account agreement as well as copies of all merchant account statements, transaction reports. Additionally, the committee must have a record of the full name of the contributor and residential address. For contributors who make contributions of $100 or more in the aggregate, the committee must also have a record of the contributor's occupation and business address.

(c) Bills. Participating committees shall retain a copy of each bill for goods or services provided.

(1) Participating committees shall maintain written documentation showing that a bill has been forgiven. The amount of such bill shall be treated as an in-kind contribution.

(2) Documentation for goods or services must be contemporaneous with receipt of such goods and services and must provide the date the vendor was retained and the date the goods or services were provided, the vendor's name and address, the amount of the expenditures, and a detailed description of the goods and services provided. If the invoice supplied by the vendor does not meet these requirements, the participating committee must create an additional contemporaneous record containing the necessary

information, and such record must be signed by the vendor and the campaign treasurer or other representative of the campaign.

(3) For wages, salaries and consulting fees paid by participating committees, the committee must maintain a contemporaneous record, signed and dated by the employee or consultant and the campaign, providing the name and address of the employee or consultant. Additionally for each consultant, the committee must maintain a detailed description of the services, the consulting fees, and the period for which the consultant was retained. Such summary of consulting agreement and any contract entered into between the candidate and the consultant shall be made available to the PCFB upon request.

(d) Disbursements by Check. A participating committee shall record all disbursements made by check. The date, payee name, purpose and number of each check, as well as interaccount transfers, and/or other debits, shall be recorded in the checkbook register or other accounting functionality.

(e) Disbursements by Credit card/Debit card. Participating committees shall maintain a monthly billing statement for each credit card or debit card purchase used by the campaign showing the underlying charge.

(f) Bank records. Participating committees shall maintain the following records received from banks and depositories relating to accounts (1) all periodic bank or other statements in chronological order, maintained with related correspondence received with those statements, such as credit and debit memos and contribution checks returned because of insufficient funds and (2) all returned and cancelled disbursement checks, or an electronic version of the same.

(g) Loans. The participating committee shall obtain, maintain and make available to the PCFB upon its request, written documents: (1) for each loan received, (2) for each loan repayment or partial repayment, and (3) that shows that a loan has been forgiven or partially forgiven. The loan agreement shall be contemporaneous and in writing, shall be signed and dated by both parties, and shall provide for all terms and conditions of the loan, including the amount and term of the loan. The participating committee shall retain copies of loan checks and/or records of electronic transfers.

(h) Subcontracted goods and services. Participating committees required to itemize the cost of subcontracted goods and services shall obtain and maintain documentation from the consultant or other person who or which subcontracts, containing all information required to be disclosed pursuant to that rule.

(i) Fundraisers. The participating committee shall maintain records for all fund-raising events, including all house parties, which shall contain: the date and location of the event; the person(s) and/or organization(s), other than the participating candidate's authorized committee, hosting the event; an itemized listing of all expenses incurred in connection with the event, including all expenses whether or not paid or incurred by the authorized committee; and the contributor name and amount of each contribution received at or in connection with the event. This subdivision does not apply to activities on an individual's residential premises, including house parties, to the extent that the cost of those fundraisers do not exceed $500.

(j) Political Communication. Pursuant to New York Election Law §14-106, participating committees shall maintain copies of all political communications initiated and/or paid for by their campaigns.

(k) Vendors. In addition to obtaining and keeping contemporaneous documentation (such as bills) for all goods and services provided by vendors, including campaign consultants, attorneys, and employees, when a participating committee retains or otherwise authorizes a person or entity (including an employee) to provide goods and/or services to the participating committee, and the participating committee knows or has reason to believe that the goods and/or services to be provided directly or indirectly by this vendor will exceed $1,000 in value during the campaign, the participating committee shall:

(1) keep a copy of the contemporaneously written contract with the vendor, which shall, at a minimum, provide the name and address of the vendor, be signed and dated by both parties, state the terms of the contract including the terms of payment and a detailed description of the goods and/or services to be provided, and shall include, if the contract was at any time amended, a contemporaneously written contract amendment, signed and dated by both parties and describing in detail the changes to the terms and conditions of the contract, or

(2) if no contemporaneously written contract has been entered into, keep a contemporaneously written record that includes the date the vendor is retained or otherwise authorized by the participating committee, the name and address of the vendor, and the terms of the agreement or understanding between the participating committee and the vendor including the terms of payment and a detailed description of the goods and/or services the vendor is expected to provide. If the agreement or understanding was at any time amended, the committee shall create and maintain a contemporaneously written record describing in detail the changes to the terms and conditions of the agreement or understanding.

(3) In addition to the records to be kept pursuant to subparagraphs (1) or (2) above, the participating committee shall keep evidence sufficient to demonstrate that the work described in the contract was in fact performed and completed. Such evidence may include samples or copies of work product, emails, time records, phone records, and photographs or other documentary evidence. Where such evidence is nonexistent or unavailable, the participating committee shall maintain affidavits signed by either the vendor or the participating candidate, treasurer, or other campaign representative having first-hand knowledge, describing the goods or services provided and the reason(s) why documentary evidence is nonexistent or unavailable.

(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.

(m) Intermediary contribution statements. For each instance in which a participating committee accepts 3 or more contributions from an intermediary, including any contributions delivered to any agent of the campaign, or receives contributions solicited by an intermediary where such solicitation is known to the participating committee, the committee shall maintain a separate written record of the intermediary's name, residential address, employer and business address as well as the names of the contributors and the amounts contributed.