NEW YORK STATE
PUBLIC CAMPAIGN FINANCE BOARD
ADVISORY OPINIONS
OPINION No. 25-1

DATE: DECEMBER 9, 2025

QUESTION PRESENTED:

May the authorized committee of a candidate participating in the Public Campaign Finance Program ("Program") use public matching funds to pay for security measures, including non-structural security devices, structural security devices, professional security personnel and services, and cybersecurity software, devices, and services?

ANSWER:

An authorized committee can use public matching funds for security measures for the candidate and members of the candidate's immediate family[1] and campaign staff in certain circumstances. Expenses for security measures incurred as a direct result of campaign activity, including non-structural security devices, structural security devices whose predominant purpose is to provide security, licensed security personnel and professional security services, and cybersecurity software, devices, and services are presumptively a permitted use of public matching funds. Expenses that are unrelated to a political campaign and not to further a participating candidate's nomination for election or election are statutorily prohibited. Expenses for structural security devices that materially improve a property or increase its value are not a permitted use of public funds.

Under all circumstances, however, the use of public matching funds must be reasonable in terms of cost, scope and duration and, furthermore, must comply with any other restrictions or prohibitions on the use of public matching funds.

ANALYSIS:

This Advisory Opinion exclusively addresses the use of *public matching funds* for campaign-related security measures. The use of *non-public* campaign funds for security measures, whether in connection with a campaign or the duties of public office, are outside the scope of this Advisory Opinion.[2]

[1] Immediate family means "a spouse, domestic partner, child, sibling, or parent." Election Law § 14-200-a(9).
[2] With respect to the use of *non-public* campaign funds for security measures see New York State Board of Elections Opinion No. 25-01.

Adopted December 9, 2025
VOTE 7 YES – 0 NO

1. Permissible Uses of Public Matching Funds

Candidates participating in the Program can only use public matching funds for a "qualified campaign expenditure."[3] Election Law § 14-206 states that public matching funds "may be used only by an authorized committee for expenditures to further a participating candidate's nomination for election or election, including paying for debts incurred within one year prior to an election to further the participating candidate's nomination for election or election" and enumerates various prohibited uses of public matching funds. Therefore, as a threshold matter, to be considered a qualified campaign expenditures for which public matching funds may be used, the expense must: (1) further the candidate's nomination for election or election and (2) occur within the year prior to an election.

In addition to the explicit statutory requirements, to be considered a qualified campaign expenditure, an expense must be reasonable in terms of cost, scope and duration in relation to the circumstances.

The Cost Must be the "Fair Market Value" of the Security Services Rendered

Pursuant to Election Law § 14-206(2)(b) "public matching funds may not be used for…an expenditure in excess of the fair market value of services, materials, facilities, or other things of value received in exchange." As such, committees must pay fair market value for security devices, goods, software and services. Payments for security personnel and services must be made at a commercially reasonable rate for hourly or contract work. Expenses for security devices, goods, and software must similarly be purchased at fair market value.

In addition, the Public Campaign Finance Board will consider, among other things, the proportion of public matching funds a committee uses for security measures compared to other campaign activities in determining whether such spending for security measures "further[s] the participating candidate's nomination for election or election." Public matching funds should principally be used to undertake a genuine campaign for elected office; the use of public matching funds for security measures should complement, not supersede, campaign activities.

Qualified expenditures for security services may only be made to further the participating candidate's nomination for election or election.

Candidates, their families, and campaign staff should be able to securely engage in campaign activities. Proportionate expenses to address actual security concerns in connection with public campaign events and to secure campaign offices are presumptively qualified campaign expenditures.

However, public matching funds cannot be used for security personnel and services that are not bona fide, legitimate, and professional. In addition, public matching funds cannot be used for

[3] "Qualified campaign expenditure" is defined in Election Law § 14-200-a(16) as "an expenditure for which public matching funds may be used."

security services or devices that materially improve or increase the value of a candidate's home or campaign office.

Security Personnel and Services

For security personnel and services to be qualified expenditures, security personnel must be licensed and professionally trained, the security services must be proportional and appropriate to the campaign activities for which they are used, and security personnel or services must be used for activities that have a close nexus to a campaign for elected office.

Committees are reminded that public matching funds cannot be used for "payments made to the candidate or a spouse, domestic partner, child, grandchild, parent, grandparent, brother or sister of the candidate or spouse or domestic partner of such child, grandchild, parent, grandparent, brother or sister, or to a business entity in which the candidate or any such person has a ten percent or greater ownership interest.[4]"

Security and Cybersecurity Devices, Goods and Software

For expenses for security and cybersecurity devices, goods and software to be qualified expenditures, such devices, goods and software must be common security measures that are widely used and accepted within the security industry, and the principal purpose of such devices, goods and software must be to provide security for the candidate related to the candidate's political campaign and to further the candidate's nomination for election or election.

Reasonable Duration

Committees are reminded that public matching funds cannot be used for an expense incurred more than a year before an election[5] or for expenditures more than 60 days after an election, including subscriptions, unless specifically authorized by the Public Campaign Finance Board.[6]

2. Required Reporting and Documentation

In addition to complying with Election Law § 14-206(1) and (2), to be a qualified campaign expenditure, expenditures of public matching funds must be fully itemized in campaign finance disclosure statements and properly documented.[7]

CONCLUSION:

Generally, expenses for campaign-related security that is proportionate and reasonable in cost, scope and duration are qualified campaign expenditures, provided that the expenses are related to the candidate's political campaign and to further the candidate's nomination for election or election, in compliance with Election Law § 14-206. It is important to note that while Election

[4] Election Law § 14-206(2)(k).
[5] Election Law § 14-206(1).
[6] *See* 9 NYCRR 6221.31.
[7] *See* 9 NYCRR 6221.14, 6221.18. and 6221.19.

Law §14-130 allows for expenditures related to the candidate's holding of public or party office, qualified expenditures for such purposes are prohibited under Election Law §14-206. Thus, if the candidate is a current public or party office holder, public matching funds may not be used for expenditures on security measures related to the candidate's office.

Due to the fact specific nature of the use of public matching funds for campaign related security, committees and/or candidates with circumstances not contemplated by this Advisory Opinion or questions about the proper use of public matching funds for security measures should contact the Public Campaign Finance Board for specific guidance.