Opinion No. 23-3 is no longer applicable due to changes to the Election Law that became effective on August 7, 2025 (Laws of 2025, Chapter 55, part OO).

NEW YORK STATE
PUBLIC CAMPAIGN FINANCE BOARD
ADVISORY OPINIONS
OPINION No. 23-3

DATE:

QUESTION PRESENTED:

If a participating candidate receives public matching funds for a Primary Election and wins the Primary, can the candidate go back to the contributors from the Primary Election who had their contributions matched and match their contributions again for the General Election?

ANSWER:

A campaign can only match up to $250 per contributor per election cycle. The Primary and General Elections occur within the same election cycle, and the $250 matchable limit does not reset after the Primary Election. Accordingly, a participating candidate may go back to contributors from the Primary Election for matching claims relative to the General Election to the extent that contributor's aggregate contributions for the Primary and General Election are not more than $250; however, once the $250 matchable limit is reached, additional contributions cannot be matched. If the aggregate contributions exceed $250 at any point in the election cycle, even if it is after the Primary Election, then matchable funds received must either be returned, or the campaign may return the portion of the contribution exceeding $250.

ANALYSIS:

Contribution Limit Per Contributor

The Public Campaign Finance Program is designed so that "only small-dollar donations, those made by donors contributing $250 or less, will be matched, and candidates must return all matching funds from any donor who exceeds $250 in any election cycle." Campaign Finance Reform Commission; Report to the Governor and Legislature; November 2019 (pg. 4).
Under Election Law §14-200-a(11)(a)—"matchable contribution"—a maximum of $250 in total from an in-district resident can be matched whether for the Primary Election or General Election or both together. However, once a contributor exceeds an aggregate amount of $250, their contributions are no longer matchable. Importantly, this $250 matchable limit does not reset after the Primary Election. It remains in effect for the entire election cycle, which encompasses both the Primary and General elections.

A participating candidate can continue to seek matchable contributions from contributors who have donated during the Primary Election, as long as their cumulative contributions do not exceed $250.

Example: In-District Donor Smith gives $50 before the Primary, which is matched. After the Primary and before the General Election, In-District Donor Smith could give up to $200 more for matching funds purposes.

Exceeding the Aggregate $250 Limit

If, at any point during the election cycle (including after the Primary Election), the total contributions from a single contributor exceed $250, those excess contributions are no longer eligible for matching funds. When a candidate or campaign receives matchable contributions from a donor that surpass the $250 aggregate limit, they must take corrective action. This involves either returning any public matching funds received that was based on a previous contribution to the PCFB, or returning the portion of the contribution that exceeds $250 to the contributor.

Example: In-District Donor Smith gives $250 before the Primary, which is matched. In-District Donor Smith would not be able to give another contribution towards the General Election as it would cause the total amount of the donor's contributions to be above the $250 matchable limit, which in turn would make the previous $250 ineligible to be matched. This, in turn, would require a refund of the matching funds received for the original $250, or a refund to the contributor of the amount of their contributions over $250.