

These rules were approved by the Board on November 14, 2024, and will become effective thirty days after publication in The City Record.

**New York City
Campaign Finance Board
Notice of Final Rules**

IN COMPLIANCE WITH SECTION 1043 OF THE NEW YORK CITY CHARTER, and exercising authority vested in the Campaign Finance Board under Chapters 45 and 46 of the New York City Charter (including Sections 1043, 1052(a)(5), (a)(8), (a)(12), (a)(15) and (d) thereof) and under the New York City Campaign Finance Act (the “Act”) (including Sections 3-702(24), 3-703(1-c), 3-703(15), 3-703(16), 3-704(1), 3-705(4), 3-705(7)(a)(1), 3-706(6), 3-708(5), 3-708(8), 3-710(1), 3-710.5(i), 3-801(1), and 12-110 pursuant to 3-703(1)(m) of the New York City Administrative Code (the “Code”)), and pursuant to Sections 14-118(2) and 14-130(2) of New York State Election Law, the Board hereby adopts amendments to the Campaign Finance Board Rules (the “Board rules”) related to complaints, Conflict of Interest Board filings, contributions, disclosures, expenditures, independent expenditures, loans, public funds payments, registration and certification, statements of need, training, and transition and inauguration entities.

I. Explanation, Basis, and Purpose

The Board Rules are codified in Chapter 52 of the Rules of the City of New York.

The Campaign Finance Board (the “CFB”) is a nonpartisan, independent City agency that empowers New Yorkers to make a greater impact in elections. The CFB administers the City’s campaign finance system, overseeing and enforcing the regulations related to campaign finance and holding candidates accountable for using public funds responsibly. The CFB publishes detailed public information about money raised and spent in City elections by candidates and independent spenders, and engages and educates voters through community outreach, the Voter Guide, and the Debate Program.

A proposed version of these amendments was published in the City Record on August 28, 2024. A public hearing was held on September 27, 2024. In response to a written request with signatories from eleven organizations, the comment period was extended to October 25, 2024.

The CFB received 54 written comments from 21 sources, and oral testimony from five of these sources and two additional sources at the public hearing.

The CFB received comments both in support and against the changes proposed in Section 14. In response to the comments, the CFB will publish an Advisory Opinion that clarifies the timeline of when some factors will be considered with regards to particular expenditures and organizations. Several of the comments opposed to the amendments characterized the factors for determining independence as criteria that would create an irrebuttable presumption of coordination. However,

the factors are a non-exhaustive list of the kinds of evidence that the Board will consider when determining whether an expenditure was independent.

Upon careful consideration of all other additional comments received and much internal discussion, the CFB adopted all other amendments with changes as follows.

The following is a summary of the rules as adopted:

Summary of Final Rules

Complaints

Section 12-02(c)(ii) of Title 52 of the Rules of the City of New York is amended to provide that, if a complaint is moot, facially meritless, or not in substantial compliance, the Board need not follow the procedural requirements that would otherwise apply.

Conflicts of Interest Board (COIB) Filings

Section 3-05(b) is amended to extend the deadline for proof of compliance with COIB filing requirements to 3 days prior to the payment date on which a candidate seeks public funds.

Contributions

Section 5-03(e) is amended to clarify that contributions made with an instrument other than check, money order, cashier's check, or credit or debit card are limited to \$100. This is consistent with New York State Election Law § 14-118(2), which states: "No candidate, political committee, or agent thereof may receive from any one person an aggregate amount greater than one hundred dollars except in the form of a check, draft or other instrument payable to the candidate, political committee or treasurer and signed or endorsed by the donor; except that such a candidate, political committee or agent may receive contributions in amounts greater than one hundred dollars which are made by credit card..." Additionally, Admin. Code § 3-703(1-c) provides that contributions made by text message may not exceed \$99. Similarly, section 5-05(y) is amended to provide that contributions aggregating over \$100 from a single contributor made using any instrument other than check, credit card, or debit card are not matchable. Previously the rule stated that contributions over \$100 via cash, money order, or cashier's check were not matchable. This change creates consistency with the amended section 5-03(e) while preserving the ineligibility for matching for money order and cashier's check contributions aggregating over \$100.

Section 5-05 is amended to provide that contributions made using digital assets are not matchable. For a contribution to be matched with public funds, it is critical to verify both its true source and its true value; digital assets present a unique challenge in this regard due to their anonymity and volatility.

Section 5-10(b)(iv), providing the method of analyzing the source of contribution subject to the "doing business" contribution limit, is repealed, as contributions related to the "doing business" limit will no longer be assessed differently from those subject to the general contribution limit.

Disclosures

Section 6-01(h)(iii)(A) is amended to remove the daily disclosure requirement for candidates who wish to claim the primary expenditure limit but do not appear on a primary ballot. This brings the rule in line with CFB practice and out of contradiction with Rule 4-09.

Expenditures

Section 6-01 is amended to conform to Local Law No. 168 for the year 2023, which provides that credit card processing fees paid by a campaign for contributions received by the campaign and any bank fees paid by the campaign do not count against the expenditure limitation for that campaign.

Section 6-06 is amended to ensure that the candidate requirements for identification of communications are comparable to those applicable to independent spenders. As with the independent spender rules, the provision specific to text messages is deleted, because text messages are included as visual communications. Section 6-06 is further amended to require a paid for by identification on communications for which a candidate has paid an individual or entity to create, distribute, or publish favorable or unfavorable content regarding any candidate or ballot proposal.

Section 7-07(a)(ii) is amended to provide that contributions made to 501(c)(3) organizations using campaign funds will be deducted from the amount of public funds the candidate is eligible to receive, unless the contributions are made from a segregated account. Contributions to 501(c)(3) organizations are presumed to be a permissible use of campaign funds pursuant to Admin. Code § 3-702(21)(a)(1) but should be made sparingly by candidates who receive public funds.

Independent Expenditures

Section 6-04(a) is amended to add five new factors that the Board may consider in determining whether an expenditure is made independently of a campaign:

- the candidate serves or has served as a principal member or professional or managerial employee of the person or entity making the expenditure, during the same election cycle in which the expenditure is made;
- the candidate, or an individual or entity who previously worked for the candidate, has conveyed strategic, non-public information to the spender during the same election cycle in which the expenditure is made;
- the spender utilizes strategic information or data related to the candidate that either is not from a public source, or has been made publicly available by the candidate, or an individual or entity who previously worked for the candidate, in a manner which the candidate or the individual or entity knew or should have known would facilitate the spender's use of the information;
- the spender is or has been established, financed, maintained, or controlled by a member of the candidate's family; and
- a member of the candidate's family holds or held a ten percent or more ownership interest in, or holds or held a management position in, the entity making the expenditure during the election cycle in which the expenditure is made.

The addition of these factors will strengthen the Board's ability to ensure that candidates and outside parties do not coordinate in campaign spending as a means of circumventing the contribution and expenditure limits.

Sections 14-01, 14-02, and 14-04 are amended to remove the distinctions between different reporting and identification requirements based on the method by which a communication is distributed, in favor of distinctions based on the type of communication, and to expand coverage to include internet-based communications. Section 14-02 is also amended to clarify that expenditures to single vendors aggregating \$100 or greater are covered expenditures for the purposes of that section. Provisions specific to mass mailings, text message communications, and telephone communications are deleted, as those are included as visual and audio communications, respectively. Section 14-04(a) is further amended to provide that, if it is impracticable to display a clearly readable notice in an online communication that contains a link to a location controlled by the independent spender, the communication may contain the words "Paid for by" followed by the name of the independent spender, provided that the full text of the required notice must appear at the redirected location. These changes are made to allow the CFB and independent spenders to adapt to evolving modes of technology such as text messaging, social media, and podcasts. Because it is impossible to predict all of the ways in which information will be disseminated in future election cycles, basing the requirements on type of communication rather than method of distribution creates the flexibility required to avoid obsolescence.

Loans

A new section 5-09(j) is added to provide that interest may not be charged on loans made to a campaign by the candidate or the candidate's spouse, consistent with New York State Election Law § 14-130(2). The section further prohibits interest payments to the candidate's domestic partner, child, grandchild, parent, grandparent, or sibling, to a spouse or domestic partner of those family members of the candidate, or to an entity in which the candidate or any of the listed family members has a 10% or greater ownership interest.

Public Funds Payments

Section 3-01(d) is amended to distinguish between mandatory and discretionary bases for public funds ineligibility during the pre- and post-election periods. The mandatory bases, most of which are required by the New York City Campaign Finance Act, codified in Chapter 7 of Title 3 of the Code, deem a candidate automatically ineligible to receive public funds during the applicable period, while the discretionary bases are subject to the Board's discretion. Section 3-01(d) is also amended to clarify that campaigns must timely attend both a compliance training and a campaign finance software training in order to be eligible for public funds. Finally, section 3-01(d) is amended to define the types of facts that evince spending funds, seeking endorsements, and broadly soliciting votes, all of which constitute campaign activity as defined by the Act.

Sections 7-09(a) and 8-05 are amended to provide that a petition for review of a public funds determination may be rejected if it does not state the specific grounds for reconsideration or otherwise does not comply with the procedural requirements. Section 8-05 is further amended to clarify that the deadline to file a petition is 30 days from the issuance of the final board determination, rather than the final audit report.

Additionally, section 7-09(a) is amended to clarify the deadlines applicable to pre-election petitions for review of public funds determinations. Section 7-09(d) is amended to clarify that a pre-election determination on a petition for a review of a public funds determination may only be challenged via Article 78 after the issuance of a final Board determination pursuant to Rule 10-03(c), since pre-election public funds determinations are preliminary determinations.

Registration and Certification

Section 2-01 is amended to require candidates to register with the Board prior to conducting financial activity and within 10 business days of filing a petition or a certificate of nomination or substitution to get on the ballot in a particular election. Section 2-01 is further amended to bring the language into conformity with the language used by candidates to register on the CFB portal.

Sections 2-02 and 2-03 are also amended to bring the language into conformity with the language used by candidates to register on the CFB portal.

Statements of Need

Section 7-04(a) is amended to make the statement of need deadlines for regular payments occur after those for early payments.

Training

Section 2-06 is amended to specify that only candidates and treasurers can fulfill CFB training requirements. Section 2-06 is further amended to lay out that when a treasurer is replaced, they must complete training within 30 days in an election year, and within 45 days in a non-election year. Finally, section 2-06 is amended to require training to be completed before the 15th business day before a payment prior to an election and for a post-election payment, prior to election day.

Section 15-05 is amended to reflect that the same requirements will apply to special election campaigns.

Transition and Inauguration Entities (“TIEs”)

Section 13-01(b) is amended to provide that candidates who win the primary election and are unopposed in the general election may register a TIE beginning on the day after their primary results are certified or when the general election ballot is set, whichever is later.

The following rules will take effect thirty days after final publication in The City Record:

II. Final Rules

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in CFB rules, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Section 2-01 of chapter 2 of Title 52 of the Rules of the City of New York is amended to read as follows:

§ 2-01 [Filer] Registration.

[A candidate must submit a Filer Registration, prior to filing disclosure statements, in the form and manner required by the Board, unless such candidate has previously submitted a Certification for the same election] A candidate in a covered election must register in the form and manner required by the Board prior to conducting financial activity or within 10 business days of filing a petition or a certificate of nomination or substitution to get on the ballot in a covered election, whichever is earlier.

(a) Not a statement of intent. The submission of a [Filer] Registration shall not be construed as a statement of intent to join the Program.

(b) Applicable requirements. Because the requirements of the Act and these rules apply to financial transactions that take place before a candidate [joins the Program] registers, the Board advises candidates to begin compliance with all applicable requirements set forth in the Act and these rules prior to [joining the Program] registering.

(c) Deadline. A candidate must submit a complete [Filer] Registration [no later than the day that the candidate files the first disclosure statement for an election] prior to conducting financial activity and within 10 business days of filing a petition or a certificate of nomination or substitution to get on the ballot in a covered election.

(d) Form. The [Filer] Registration must contain any [signatures and notarizations] verifications of identity and affirmations as may be required by the Board.

(e) Contents. The [Filer] Registration must include:

(i) the candidate's name, residential address information and telephone numbers, email address, and employment information;

(ii) a sworn statement from the candidate authorizing the committee to make, on the candidate's behalf, any filings as may be required by the Board to disclose all financial activity, including that of the candidate, related to the candidate's campaign;

(iii) the name and mailing address, and treasurer name, treasurer residential address information and telephone numbers, treasurer email address, and treasurer employment information, of every political committee authorized by the candidate that has not been terminated, and, in the case of a participant or limited participant, an indication of which such committee is the principal committee, and a sworn statement from the treasurer of such committee that the candidate has authorized the committee to aid or take part in this election;

(iv) the name, mailing address, email address, and telephone number of any person designated by the candidate to act as liaison with the Board for each committee filing disclosure statements;

- (v) by the earlier of the candidate's first required disclosure statement filing or 15 business days following submission of the [Filer] Registration, 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; all bank accounts used for the purpose of repaying debt from a previous election; and
- (vi) the specific office to which the candidate is seeking nomination or election; and
- (vii) other information as required by the Board.

(f) Small campaign registration.

(i) If neither the expected total cumulative receipts nor the expected total cumulative expenditures of a campaign, including expenditures made with the candidate's personal funds, exceeds an amount equal to the amount applicable to qualify for the exception provided in § 14-124(4) of the New York State Election Law, the candidate may[, instead of submitting a Filer Registration, submit] register as a small campaign [registration form, which must contain] by submitting such information as may be required by the Board. The small campaign registration [form] must also include an affirmation stating that neither the total cumulative receipts nor the total cumulative expenditures of the campaign, including expenditures made with the candidate's personal funds, will exceed the amount applicable to qualify for the exception provided in § 14-124(4) of the New York State Election Law, and that if such amount is exceeded, beginning on or before the deadline to file the next disclosure statement, the candidate will [submit a Filer] amend the Registration and submit all subsequent required disclosure statements, which must include all prior financial activity beginning at the inception of the campaign.

(ii) A candidate who has [filed] registered as a small campaign [registration form] pursuant to this section need not submit disclosure statements. If a candidate who has [filed] registered as a small campaign [registration form] raises or spends an amount exceeding the amount necessary to qualify for the exception provided in § 14-124(4) of the New York State Election Law, the candidate must [submit a Filer] amend their Registration and submit all subsequent required disclosure statements, beginning on or before the deadline to file the next disclosure statement. The first such statement filed must include all prior financial activity beginning at the inception of the campaign.

§ 2. Section 2-02 of chapter 2 of Title 52 of the Rules of the City of New York is amended to read as follows:

§ 2-02 Certification.

To join the Program, a candidate must [submit] register as a participant by submitting a Certification by the deadline as provided in §§ 3-703(1)(c) and 3-705(4) of the Code. A candidate

may [submit a Certification, instead of the Filer Registration] register as a participant before filing disclosure statements.

(a) Applicability. The Certification applies to all covered elections that are held in the same calendar year or to a special election to fill a vacancy in an office covered by the Act. A candidate only needs to file one Certification for the primary and general elections. Special elections and all other elections require separate Certifications.

(b) Deadlines.

(i) For primary and general elections, the deadline for filing a Certification is the later of the ninth Monday preceding the primary election or the thirtieth day after a special election is held to fill a vacancy for the office sought by the candidate. To be eligible to receive an optional early public funds payment, candidates must file a Certification no less than fifteen business days before the date on which the payment is scheduled to be made.

(ii) If the Board declares an extraordinary circumstance, the deadline for filing a Certification will be the seventh day following the declaration.

(c) Failure to timely certify. A candidate who does not file a timely Certification is a nonparticipant.

(d) Rescission. A candidate who files a Certification prior to the deadline may rescind the Certification by submitting a Certification rescission form on or before the deadline or prior to receiving public funds, whichever happens first. A candidate who timely rescinds a Certification is a non-participant and may not submit an additional Certification for the same election cycle.

(e) Form. The Certification must contain any [signatures and notarizations] verifications of identity and affirmations required by the Board. [Certifications submitted non-electronically must contain original notarized signatures from both the candidate and the principal committee treasurer.]

(f) Contents. The Certification must include all [filer] registration information required by section 2-01 and such other information as required by the Board, including all information necessary to receive payment by electronic funds transfer. In the Certification, the candidate shall designate a principal committee.

(g) Legal effect. The candidate must comply fully with Program requirements in all elections for which the Certification is submitted, regardless of the office sought and regardless of whether the candidate: (1) meets all the requirements of law to have such candidate's name on the ballot in the election; (2) [meets the Act's threshold for eligibility for] is eligible to receive public funds in the election; or (3) accepts public funds[; or (4) is otherwise eligible to receive public funds in the election].

§ 3. Section 2-03 of chapter 2 of Title 52 of the Rules of the City of New York is amended to read as follows:

§ 2-03 Amendments to [Filer] Registration [or Certification].

(a) The candidate must notify the Board of any material change in the information required to be listed on the candidate's [Filer] registration [or Certification,] including any new information or any change to any required information, concerning any political committee, bank account, merchant or payment processor account, candidate or treasurer employment, address, telephone number, or email address, in such manner as may be provided by the Board, if such change occurs prior to the covered election or within a period of five years from the filing of a final statement showing satisfaction of all liabilities and disposition of all assets arising from the covered election, including payment of any penalties or repayment of public funds owed to the Board. Such notification must be submitted no later than the next deadline for filing a disclosure statement, or, in the case of changes that occur after the deadline for the final disclosure statement required to be filed, no later than 30 days after the date of the change.

(b) A candidate may amend the Certification with regard to the specific office sought on or before the certification deadline or prior to receiving public funds, whichever happens first.

(i) A candidate may amend the Certification with regard to the specific office sought if the Board declares an extraordinary circumstance pursuant to § 3-703(1)(c)(iii) of the Code, provided that such declaration pertains to the election for either the candidate's original office sought or the candidate's new office sought. The candidate must refund the excess portion of any contributions that exceed the limits applicable to the new office sought, raise additional funds required to meet the threshold applicable to the new office sought, and repay any amount of public funds previously received that exceeds the amount the candidate is eligible to receive for the new office sought. A candidate who fails to promptly satisfy the requirements of this paragraph may be required to repay all public funds previously received for the covered election.

(ii) Absent a declaration of an extraordinary circumstance, a candidate who amends the Certification with regard to the specific office sought after receiving public funds shall remain a participant, but shall be ineligible to receive additional public funds for the covered election and shall be required to repay all public funds previously received for that election.

(c) If the treasurer of a candidate's principal committee resigns or is removed, the Board will consider the candidate to be the treasurer of the principal committee until the candidate submits an amended [Filer] Registration [or Certification] that designates a new treasurer.

§ 4. Section 2-06 of chapter 2 of Title 52 of the Rules of the City of New York is amended to read as follows:

§ 2-06 Training. [A candidate or the candidate's representative must attend a training provided by the Board concerning compliance with the requirements of the Program and use of the disclosure software. The training must be completed on or before the final day of the 32-day pre-primary election disclosure period; provided, however, that for the candidate to be eligible to receive a public funds payment, such training must be completed on or before the final day of the 32-day pre-primary election disclosure period or the 15th business day before the payment is scheduled to be made, whichever is earlier. The individual attending the training may be the candidate, the candidate's campaign manager or treasurer, or another individual with significant managerial

control over the campaign. For this section, campaign consultants are not individuals with significant control over the campaign. The training attendee must be listed on the candidate's Filer Registration or Certification.]

(a) Campaigns must attend training as follows:

(i) The candidate must attend a training provided by the Board concerning compliance with the requirements of the Act and Rules.

(ii) Upon registration or replacement, any treasurer must attend training concerning compliance with the requirements of the Act and Rules and use of disclosure software. If the treasurer is replaced before the election, the new treasurer must complete the training requirement.

(b) Training must be completed:

(i) prior to an election year, the training requirement must be completed within 45 days of registration or upon replacement of a treasurer, or by the last day of the reporting period for the next disclosure statement, whichever is later;

(ii) during an election year, the training requirement must be completed within 30 days of registration or upon replacement of a treasurer, or by the last day of the reporting period for the next disclosure statement, whichever is later;

(iii) provided that for a candidate to be eligible to receive a public funds payment, such training requirements must be completed on or before the 15th business day before the payment is scheduled to be made and for a post-election payment, training must be completed prior to election day;

(iv) for a primary or general election the election year is the calendar year in which the election occurs; for a special election the election year begins on the date the special election is proclaimed.

§ 5. Subdivision (d) of section 3-01 of chapter 3 of Title 52 of the Rules of the City of New York is amended to read as follows:

(d) Basis for ineligibility determination[.]

(i) Pre-election[.]

(A) Mandatory ineligibility. [The Board may determine that a pre-election public funds payment] Prior to the election, public funds will not be paid to a candidate if:

[(A)](1) the candidate fails to submit a disclosure statement required by these rules;

[(B)](2) the candidate fails to provide to the Board, upon its request and by the deadline set forth by the Board, documents or records required by Chapter 4 of these rules, or other information that verifies campaign activity. The Board may determine that public funds can be paid to a candidate if the candidate provides the requested documents, records, or other information requested by the Board, or demonstrates that there is good cause that they

cannot be provided, or if the Board determines a requested document, record, or other information is immaterial to public funds eligibility;

[(C)](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 in the year before the year of the election;

[(D)](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 in the year before the year of the election;

[(E)](5) the number of contributions for which a candidate has failed to report employer information as required by section 4-05(c)(ii)(A) 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 in the year before the year of the election; or

[(F)](6) Either the candidate or [such candidate's representative] treasurer fails to attend a compliance training or a campaign finance software training by the deadline provided in section 2-06(b)[; or].

[(G)](B) Discretionary ineligibility. Prior to the election, the Board may determine that public funds will not be paid to a candidate if there is reason to believe that the candidate has committed a violation of the Act or these rules not otherwise enumerated in paragraph (ii) of this subdivision, and which is not a basis for withholding pursuant to section 7-06.

(ii) Pre-election or post-election[.]

(A) Mandatory ineligibility. [The Board may determine that neither] Neither a pre-election nor a post-election public funds payment shall be paid to a candidate if:

[(A)](1) the candidate has failed to meet one of the eligibility criteria of the Act or these rules;

[(B)](2) the candidate is required to repay public funds previously received, as described in sections 9-01 and 9-02, or the candidate has failed to pay any outstanding claim of the Board 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 has received written notice of the potential payment obligation and potential ineligibility determination 90 days in advance of the [certification deadline for the

current covered election] first payment for the election and an opportunity to present reasons for such candidate's eligibility for public funds to the Board;

[(C)](3) previous public funds payments to the candidate for the election equal the maximum permitted by the Act;

[(D)](4) the candidate fails to demonstrate compliance with § 12-110 of the Code, as required pursuant to § 3-703(1)(m) of the Code and section 3-05;

[(E)](5) the candidate fails to demonstrate compliance with the training requirement of § 3-703(15) of the Code and Sections 2-06 or 15-05 of these rules;

(6) the candidate endorses or publicly supports such candidate's opponent for election pursuant to § 3-705(9) of the Code;

[(F)](7) the candidate loses in the primary election but remains on the ballot for the general election and fails to certify and demonstrate to the Board, as required by § 3-705(10) of the Code, that such candidate will actively campaign for office in the general election, provided that such certification must be complete on or before the 32-day pre-general election disclosure statement deadline; or the candidate certifies and demonstrates to the Board that such candidate will actively campaign for office in the general election but thereafter fails to engage in campaign activity that shall include but not be limited to[, raising and spending funds, and broadly soliciting votes;];

(I) The candidate is required to demonstrate an aggregate of three times the participant contribution limit for the office sought in funds raised or spent by such candidate's authorized committee in the disclosure following the certification of the primary election.

(II) The candidate is required to provide links to any campaign website or social media sites used during the primary election to demonstrate that such sites have been updated to reflect the ballot line the candidate is running on in the general election.

(III) The candidate is required to provide at least one of the following: (1) evidence of seeking or obtaining endorsements relating specifically to the general election campaign or (2) campaign literature, documentation of campaign events or fundraisers held by the candidate, or other advertising soliciting support of the candidate specifically for the general election and listing the ballot line on which the candidate is running in the general election.

[(G)](8) the candidate has exceeded the applicable expenditure limits provided in § 3-706 of the Code;

[(H)](9) 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 breach of certification pursuant to section 3-01(e).[; or].

[(I)] (B) Discretionary ineligibility. The Board may determine that neither a pre-election nor post-election public funds payment will be paid to a candidate if there is reason to believe that, in the course of Program participation, the candidate has engaged in conduct detrimental to the Program that is in violation of any other applicable law.

§ 6. Paragraph (b) of section 3-05 of chapter 3 of Title 52 of the Rules of the City of New York is amended to read as follows.

(b) Due dates. [A candidate may submit proof of compliance to the Board. Proof is timely if it is submitted to the Board on or before the deadline to file a Certification for the covered election, except as provided by subdivision (a)] A candidate must demonstrate compliance with the requirements of subdivision (a) of this section 3 days prior to the next payment date. Failure to demonstrate compliance may result in a delay of any payment by the Board.

§ 7. Subdivision (e) of section 5-03 of chapter 5 of Title 52 of the Rules of the City of New York is amended to read as follows:

(e) [Cash contributions] Contributions in excess of \$100. A candidate may not accept [cash receipts] contributions aggregating in excess of \$100 from a single source except by check, money order, cashier's check, or credit or debit card.

§ 8. Subdivision (y) of section 5-05 of chapter 5 of Title 52 of the Rules of the City of New York is amended to read as follows:

(y) [Cash, money order, or cashier's check] Certain contributions exceeding \$100. [Cash, money order, or cashier's check contributions] Contributions from any one contributor that are greater than \$100 in the aggregate and are made by any instrument other than check, credit card, or debit card.

§ 9. Section 5-05 of chapter 5 of title 52 of the Rules of the City of New York is amended by adding subdivision (cc) as follows:

(bb) Contributions made by digital assets. Digital assets, such as cryptocurrencies or non-fungible tokens based upon blockchain or similar software.

(cc) Additional factors. In addition, the Board will consider the following factors in determining whether matchable contribution claims are invalid and in projecting a rate of invalid matchable contribution claims:

- (i) any information that suggests that a contribution has not been processed or reported in accordance with Program requirements;
- (ii) any other information that suggests that matchable contribution claims may be invalid;
and
- (iii) calculation errors in totals reported.

§ 10. Section 5-09 of chapter 5 of Title 52 of the Rules of the City of New York is amended by adding a new subdivision (j), to read as follows:

(j) Interest. A candidate's committee shall not pay interest or other finance charges on a loan made from the personal funds of the candidate, from the personal funds of a spouse, domestic partner, child, grandchild, parent, grandparent, or sibling of the candidate or spouse or domestic partner of such child, grandchild, parent, grandparent, or sibling, or from an entity in which the candidate or any such person has a 10% or greater ownership interest.

§ 11. Paragraphs (iv) and (v) of subdivision (b) of section 5-10 of chapter 5 of Title 52 of the Rules of the City of New York are amended to read as follows:

(iv) [Attributing single source “doing business” contributions. If a candidate accepts multiple contributions from a single source consisting of at least one contribution from an individual having business dealings with the city and one or more contributions from an entity established, maintained, or controlled by that individual, the limit applicable to persons having business dealings with the city shall apply.

(v) Burden is on the candidate. If multiple contributions appear to be from a single source in excess of the contribution limit, the candidate has the burden of demonstrating that they are from different sources. Candidates must review the relationship between contributors who appear to constitute a single source before accepting and depositing contributions.

§ 12. Subparagraph (A) of paragraph (iii) of subdivision (h) of section 6-01 of chapter 6 of Title 52 of the Rules of the City of New York is amended to read as follows:

(A) If there is a contested or write-in primary election in any party for an office, every participant or limited participant seeking that office, regardless of whether the participant or limited participant is in the primary election, may make expenditures subject to the primary election expenditure limit of § 3-706(1) of the Code, provided the participant or limited participant files the two pre-primary and 10 day post-primary election disclosure statements [and daily disclosures] pursuant to sections 4-05(b)(ii)(B)[,] and (C) [, and 4-06] in a timely manner. In this case, the general election expenditure limit will first apply after the date of the primary election.

§ 13. Subparagraph (D) of paragraph (i) of subdivision (i) of section 6-01 of chapter 6 of Title 52 of the Rules of the City of New York is amended, and new subparagraphs (E) and (F) are added, to read as follows:

(D) expenditures for childcare services made pursuant to § 3-702(21)(a)(13) of the Code for an aggregate amount of \$20,000 or less[.];

(E) expenses for credit card processing fees paid by a campaign for contributions received by the campaign; and

(F) expenses for fees charged by a banking or financial institution on demand deposit account holders for regular use or maintenance of an account, including check fees, monthly fees, overdraft fees, and wire fees.

§ 14. Subdivision (a) of section 6-04 of chapter 6 of Title 52 of the Rules of the City of New York is amended to read as follows:

(a) Factors for determining independence. In determining whether an expenditure is independent, the Board may consider whether any of the factors from the following non-exhaustive list apply:

(i) [whether]the person or entity making the expenditure is also an agent of [a] the candidate;

(ii) [whether any] a person authorized to accept receipts or make expenditures for the person or entity making the expenditure is also an agent of [a] the candidate;

(iii) [whether a] the candidate has authorized, requested, suggested, fostered, or otherwise cooperated in any way in the formation or operation of the person or entity making the expenditure;

(iv) [whether] the person or entity making the expenditure has been established, financed, maintained, or controlled by any of the same persons or entities as those that have established, financed, maintained, or controlled a political committee authorized by the candidate;

(v) [whether] the candidate shares or rents space for a campaign-related purpose with or from the person or entity making the expenditure;

(vi) [whether] the candidate has solicited or collected funds on behalf of the person or entity making the expenditure, during the same election cycle in which the expenditure is made;

(vii) [whether] the candidate, or any public or private office held or entity controlled by the candidate, including any governmental agency, division, or office, has retained the professional services of the person making the expenditure, or a principal member of the entity making the expenditure, or an individual or entity who has been previously compensated, reimbursed, or retained as a consultant; political, media, or fundraising advisor; employee; vendor; or contractor by [professional or managerial employee of] the entity making the expenditure, during the same election cycle in which the expenditure is made; [and]

(viii) [whether] the candidate serves or has served as a principal member or professional or managerial employee of the entity making the expenditure, or as a professional or managerial employee of the person making the expenditure, during the same election cycle in which the expenditure is made;

(ix) the candidate and the person or entity making the expenditure have each consulted or otherwise been in communication with the same third party or parties, if the candidate knew or should have known that the candidate's communication or relationship to the third party or parties would inform or result in expenditures to benefit the candidate;

(x) the candidate, or an individual or entity who has been previously compensated, reimbursed, or retained by the candidate as a consultant; political, media, or fundraising advisor; employee; vendor; or contractor, has conveyed strategic information not obtained from a publicly available source to the person or entity making the expenditure or its agent, during the same election cycle in which the expenditure is made, provided that, for purposes of this subdivision, information shall be deemed strategic if it relates to the candidate's or an opponent's electoral campaign plans, projects, or activities;

(xi) the person or entity making the expenditure has utilized strategic information or data that either (A) is not from a publicly available source or otherwise available by subscription, or (B) has been made publicly available by the candidate, or an individual or entity who has been previously compensated, reimbursed, or retained by the candidate as a consultant; political, media, or fundraising advisor; employee; vendor; or contractor, in a manner which the candidate or such individual or entity knew or should have known would facilitate such utilization;

(xii) the person or entity making the expenditure is, or has been established, financed, maintained, or controlled by, the candidate's spouse, domestic partner, child, grandchild, parent, grandparent, aunt, uncle, or sibling, or the spouse, domestic partner, or child of such child, grandchild, parent, grandparent, aunt, uncle, or sibling; or

(xiii) the expenditure is made by an entity in which the candidate, or the candidate's spouse, domestic partner, child, grandchild, parent, grandparent, aunt, uncle, or sibling, or the spouse, domestic partner, or child of such child, grandchild, parent, grandparent, aunt, uncle, or sibling, holds or has held an ownership interest of ten percent or more or a management position, including, but not limited to, being an officer, director, or trustee, during the same election cycle in which the expenditure is made.

§ 15. Subdivision (a) of section 6-06 of chapter 6 of Title 52 of the Rules of the City of New York is amended to read as follows:

(a) “Paid for by.” When a candidate makes expenditures for any literature, advertisement, or other communication, including by paying an individual or entity to create, publish, or distribute favorable or unfavorable content about a candidate or ballot measure, the communication must include the words “paid for by” followed by the first and last name of the candidate or the name of the authorized committee that made the expenditures; provided that, if the name of the committee does not include the first or last name of the candidate, the words “paid for by” must be followed by the first and last name of the candidate, either instead of or in addition to the name of the committee.

§ 16. Subdivision (c) of section 6-06 of chapter 6 of Title 52 of the Rules of the City of New York is amended to read as follows:

(c) Form. The identification required by subdivision (a) or (b) of this section must be in the following form:

(i) Visual communications. For [printed material] a visual non-video communication [, an internet text advertisement, or a website] in any medium, the identification must be written in a font of conspicuous size and style and contained in a box within the borders of the communication.

(ii) Video communications. For [an audio] a video communication [broadcast on radio or over the internet] in any medium, the identification must be clearly spoken at the beginning or end of the communication and, simultaneous with the spoken disclosure, written in a font of conspicuous size and style contained in a box within the borders of the communication.

(iii) Audio communications. For [a video] an audio communication [broadcast by television, satellite, cable, internet, or similar] in any medium, including automated telephone calls, the identification must be clearly spoken at the beginning or end of the communication [and, simultaneous with the spoken disclosure, written in a font of conspicuous size and style contained in a box within the borders of the communication].

(iv) For a non-automated telephone communication, the identification must be clearly spoken at the beginning or end of the communication. If the identification is spoken at the end of the communication, the name of the candidate must also be clearly spoken at the beginning of the call.

[(v) For a text message communication, the identification must be written at the beginning or end of the communication. If the identification is written at the end of the communication, the name of the candidate must also be clearly written at the beginning of the communication.]

§ 17. Subdivision (a) of section 7-04 of chapter 7 of Title 52 of the Rules of the City of New York is amended to read as follows:

(a) A candidate shall not be eligible to receive more than one quarter of the applicable maximum pursuant to § 3-705(2)(b) of the Code unless the Board determines that one of the conditions set forth in § 3-705(7)(a)(2) or (3) of the Code is satisfied, or the candidate submits a certified signed statement attesting to the need for additional public funds and demonstrating that at least one of the conditions set forth in §3-705(7)(a)(1) of the Code is satisfied. The statement must be filed with the Board no later than the due date of the applicable disclosure statements or fifteen business days prior to the payment date, whichever is later [as follows], except that, if the basis for filing the statement arises after the due date, and no basis existed prior to such due date, then the statement shall be due by the deadline for the disclosure statement immediately preceding the next date on which a public funds payment is scheduled to be made:

(i) Candidates in the primary election must file the statement of need no later than the due date of the 32-day pre-primary election disclosure statement.

(ii) Candidates in the general election must file the statement of need no later than the due date of the 32-day pre-general election disclosure statement.

§ 18. Subparagraphs (E) and (F) of paragraph (ii) of subdivision (a) of section 7-07 of chapter 7 of Title 52 of the Rules of the City of New York are amended, and a new subparagraph (G) is added, to read as follows:

(E) loans to or spending for political party committees and political clubs that are not reimbursed within 30 days or by the date of the election, whichever is earlier, provided that if the candidate demonstrates that the expenditure was for a tangible item that directly promotes the candidate's election, such as an advertisement in a fundraising journal, this subparagraph shall not apply to the fair market value of that item; [and]

(F) expenditures made for the purpose of furthering the candidate's selection as Speaker of the City Council; and

(G) contributions to charitable organizations designated as 501(c)(3) organizations pursuant to the Internal Revenue Code except the fair market value purchase price of goods or services provided by the charitable organization.

§ 19. Section 7-09 of chapter 7 of Title 52 of the Rules of the City of New York is amended to read as follows:

§ 7-09 Petitions for review.

(a) After the Board provides a [candidate a] written determination to a candidate specifying the basis for payment or non-payment of public funds prior to the election, the candidate may petition the Board in writing for reconsideration of such determination. Such petition must state [the] one or more specific grounds for reconsideration and must also include either a request to appear before the Board concerning the petition or a statement that the candidate waives such candidate's right to appear. [The Board shall review the determination that is the subject of the petition within five business days of the filing of such petition. If the Board is unable to convene within five business days, the Board may delegate to the Chair of the Board or the Chair's designee authority to make a determination regarding the petition.]

(b) To be considered by the Board, a petition for review of a pre-election payment or non-payment determination must not include any documentation or factual information not submitted to the Board prior to the determination under review, unless the participating candidate can demonstrate good cause for the previous failure to submit such documentation or information and for any failure to communicate on a timely basis with the Board.

(c) If a petition is moot, facially meritless, or not in substantial compliance with the requirements of this section, it may be rejected, and the candidate will be deemed to have waived the right to appear before the Board. If the petition is not rejected, the Board will review the determination that is the subject of the petition within five business days of the filing of such petition.

(i) Candidates who waive the right to appear before the Board. If the Board is unable to convene within five business days of receipt of the petition, or if the petition is filed less than three business days prior to the next scheduled Board meeting, then the Board may

delegate to the Chair of the Board or the Chair's designee authority to make a determination regarding the petition.

(ii) Candidates who exercise the right to appear before the Board

(A) If the Board is unable to convene within five business days of receipt of the petition, the candidate may appear at the next scheduled Board meeting.

(B) If the petition is filed less than three business days prior to the next scheduled Board meeting, the Board may make a determination regarding the petition at a subsequent Board meeting occurring no later than the next scheduled public funds payment date.

(d) The Board [shall] will timely issue a written determination on the subject of the petition. If the petition is denied or rejected, the determination shall inform the candidate of the right to appeal [such determination] pursuant to Article 78 of the Civil Practice Law and Rules.

§ 20. Subdivisions (b) and (c) of section 8-05 of chapter 8 of Title 52 of the Rules of the City of New York are amended to read as follows:

(b) A petition for review of a post-election payment determination must be submitted within 30 days of the candidate's final audit report or final board determination, whichever is earlier, and must include:

(i) a statement of [the] one or more specific grounds for reconsideration;

(ii) information or documentation that was unavailable to the Board previously and is material to such determination;

(iii) a showing that the candidate had good cause for the previous failure to provide such information or documentation; and

(iv) either a request to appear before the Board concerning the petition or a statement that the candidate waives such candidate's right to appear.

(c) [The] If a petition is moot, facially meritless, or not in substantial compliance with the requirements of this section, it may be rejected, and the candidate will be deemed to have waived the right to appear before the Board. If the petition is not rejected, the Board [shall] will timely issue a written determination on the subject of the petition. If the petition is denied, the determination [shall] will inform the candidate of the right to appeal such determination pursuant to Article 78 of the Civil Practice Law and Rules.

§ 21. Paragraph (ii) of subdivision (c) of section 12-02 of chapter 12 of Title 52 of the Rules of the City of New York is amended to read as follows:

(ii) Deficient complaints.

[(A)] If the complaint is moot, facially meritless, or not in substantial compliance, it may be rejected, and the complainant so notified.

[(B) If the complaint is not in substantial compliance, the] The Board may investigate the subject matter of the complaint, but need not follow the procedural requirements of this chapter.

§ 22. Subdivision (b) of section 13-01 of chapter 13 of Title 52 of the Rules of the City of New York is amended to read as follows:

(b) The registration may be submitted at any time between the day after the general election and the due date of the first disclosure statement following the date of the candidate's election, at such time as the form is made available by the Board; provided, however, that a candidate who wins the primary election and is unopposed on the ballot in the general election may register a TIE beginning on the day after the date on which the results of such primary election are certified by the Board of Elections or when the general election ballot is set, whichever is later.

§ 23. The definitions of "electioneering communication" and "express advocacy communication" set forth in section 14-01 of chapter 14 of Title 52 of the Rules of the City of New York are amended, and the definitions of "mass mailing," "telephone communication," and "text message communication" are deleted, to read as follows:

"Electioneering communication" means a communication that: (1) is disseminated by radio, television, cable, internet, or satellite [broadcast] transmission[,]; or is a paid advertisement[,]; or is a [mass mailing] communication that is delivered or served in any medium to specific individuals if 500 or more messages of a substantially similar nature are transmitted within any 30-day period; (2) is disseminated within 60 days of a covered primary, general, or special election; and (3) refers to one or more clearly identified ballot proposals or candidates for a covered election. Electioneering communication does not include a candidate-related communication made by an organization operating and remaining in good standing under § 501(c)(3) of the Internal Revenue Code of 1986.

"Express advocacy communication" means a communication disseminated in any written, audio, or video format that contains a phrase including, but not limited to, "vote for," "re-elect," "support," "cast your ballot for," "[[(Candidate)]] for [[(elected office)]]," "vote against," "defeat," "reject," or "sign the petition for," or a campaign slogan or words that in context and with limited reference to external events, such as the proximity to the election, can have no reasonable meaning other than to advocate the election, passage, or defeat of one or more clearly identified ballot proposals or candidates in a covered election [, and is disseminated by: (1) radio, television, cable, or satellite broadcast; (2) telephone communication; (3) mass mailing; (4) other printed material; or (5) any other form of paid electoral advertising. Paid electoral advertising shall not include communications over the internet, except for: (1) communications placed for a fee on another individual or entity's website; or (2) websites formed primarily for, or whose primary purpose is, the election, passage, or defeat of a candidate in a covered election or of a ballot proposal] and is (1) distributed to the general public in any medium or (2) delivered or served to individuals if 500 or more messages of a substantially similar nature are transmitted within any 30-day period.

["Mass mailing" means a mailing by United States mail, common carrier, or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.]

[“Telephone communication” means 500 or more telephone calls, whether live or recorded, of an identical or substantially similar nature within any 30-day period.]

[“Text message communication” means 500 or more text messages of an identical or substantially similar nature sent within any 30-day period.]

§ 24. Paragraph (i) of subdivision (b) of section 14-02 of chapter 14 of Title 52 of the Rules of the City of New York is amended to read as follows:

(i) When an independent spender makes covered expenditures aggregating \$1,000 or more during an election cycle for communications that refer to a specific candidate or ballot proposal, it must report these communications and each future communication associated with an expenditure of \$100 or more that refers to that candidate or ballot proposal. [Expenditures] Aggregate expenditures to a single vendor of less than \$100 shall not be covered expenditures for the purposes of this subdivision. Each communication must be disclosed in the reporting period in which it is first published, aired, or otherwise distributed, except that no communication is required to be disclosed before the \$1,000 threshold has been reached. For each communication, the independent spender must provide:

(A) The type of communication;

(B) Its distribution date;

(C) The names of the candidates and/or ballot proposals referred to in the communication;

(D) For a [printed] visual communication, an electronic or paper copy of the communication as it was distributed to the public;

(E) For [a broadcast or internet] an audio or video communication, [an audio, video, or source file] a copy of the communication as it was distributed to the public, except that for a live telephone call or [if a source file is not available for] an audio communication of which a recording is not available, [then] a script will be accepted; [and]

(F) For any communication containing a website link, the URL and an image of the link destination; and

(G) Such other similar information as the Board may require.

§ 25. Subdivision (a) of section 14-04 of chapter 14 of Title 52 of the Rules of the City of New York is amended to read as follows:

(a) Independent spender identification. When an independent spender makes covered expenditures of \$100 or more aggregating \$1,000 or more during an election cycle, the communication associated with the expenditure that meets the \$1,000 threshold and all subsequent communications, regardless of dollar value, must include:

(i) [Printed material] Visual communications. For [printed material] a visual, non-video communication in any medium, the words “Paid for by” must appear, followed by [(i)](A) the name of the independent spender; [(ii)] (B) if the spender is an entity: [(A)] (1) the name of any individual or entity that owns or controls more than 50% of the independent spender, [(B)] (2) the name of the independent spender’s chief executive officer or

equivalent, if any, and [(C)] (3) the independent spender's top donors as described in subdivision (b) of this section; and [(iii)](C) the words "Not expressly or otherwise authorized or requested by any candidate or the candidate's committee or agent. More information at nyc.gov/FollowTheMoney". Such words must appear in a conspicuous size and style and must be enclosed in a box within the borders of the communication.

(ii) [Television, internet video, other video] Video communications. For [television, internet videos, or other types of] a video [communications] communication in any medium, the words "Paid for by" followed by the name of the independent spender must be clearly spoken at the beginning or end of the communication in a pitch and tone substantially similar to the rest of the communication. Additionally, simultaneous with the spoken disclosure, in a conspicuous size and style and enclosed in a box, the words "Paid for by" must appear followed by: [(i)] (A) the name of the independent spender; [(ii)] (B) if the spender is an entity, the spender's top donors as described in subdivision (b) of this section; and [(iii)] (C) the words "Not expressly or otherwise authorized or requested by any candidate or the candidate's committee or agent. More information at nyc.gov/FollowTheMoney".

(iii) [Radio, internet audio, automated telephone calls] Audio communications. For an audio communication in any medium, including [radio, internet audio, or] automated telephone calls, the words "Paid for by" followed by [(i)] (A) the name of the independent spender; [(ii)] (B) if the spender is an entity, the spender's top donors as described in subdivision (b) of this section; and [(iii)] (C) the words "Not expressly or otherwise authorized or requested by any candidate or the candidate's committee or agent. More information at nyc.gov/FollowTheMoney", must be clearly spoken at the end of the communication in a pitch and tone substantially similar to the rest of the communication. For [radio and internet] audio communications of 30 seconds in duration or shorter, except for telephone calls, subparagraph [(ii)] (B) of this paragraph may be omitted.

(iv) Non-automated telephone calls longer than 10 seconds. For non-automated telephone calls lasting longer than 10 seconds, the words "This call is paid for by" followed by the name of the independent spender and the words "Not expressly or otherwise authorized or requested by any candidate or the candidate's committee or agent. More information is available at nyc.gov/FollowTheMoney" must be clearly spoken during the call in a pitch and tone substantially similar to the rest of the call.

(v) [Text message communications. For text message communications, the words "Paid for by" must appear, followed by: (i) the name of the independent spender; and (ii) the words "Not authorized or requested by any candidate, their committee, or agent. More information at nyc.gov/FollowTheMoney." Such words must be written at the beginning or end of the communication.] Impracticability. If it is impracticable to display a clearly readable notice in an online communication that contains a link to a location controlled by the independent spender, the communication may contain the words "Paid for by" followed by the name of the independent spender, provided that the full text of the required notice must appear at the redirected location.

§ 26. Subparagraph (A) of paragraph (ii) of subdivision (b) of section 14-04 of chapter 14 of Title 52 of the Rules of the City of New York is amended to read as follows:

(A) [Printed] Written identification shall be the words “Top Three Donors” followed by the names of such donors;

§ 27. Subdivision (d) of section 14-04 of chapter 14 of Title 52 of the Rules of the City of New York is amended to read as follows:

(d) Modification. The requirements of this section may be modified by the Board concerning items upon which [disclosures cannot be reasonably printed] identification would be impracticable, pursuant to § 1052(a)(15)(c)(i) of the Charter or any other items whose disclosures are not otherwise provided for in § 1052(a)(15)(c) of the Charter.

§ 28. Section 15-05 of chapter 15 of Title 52 of the Rules of the City of New York are amended to read as follows:

§ 15-05 Training. [A candidate in a special election, or such candidate’s representative, must attend a compliance training session designed specifically for such election. Such training must be completed on or before the financial disclosure cut-off date of the 11-day pre-election disclosure statement.]

(a) Candidates and treasurers must complete training in accordance with Rule 2-06(a).

(b) For any candidate to be eligible to receive a public funds payment, such training must be completed on or before the 15th business day before the payment is scheduled to be made, or for a post-election payment, by the last day of the reporting period of the January semi-annual disclosure statement in the year following the election.