



**Board of  
Elections**

# **Winding Down the Campaign**

**December 7, 2016**

# Applicable Laws

Article 14 of NYS Election Law deals with *Campaign Receipts and Expenditures*.

Part 6200 of NYSBOE's Rules and Regulations, *Filing Statements of Campaign Receipts and Expenditures*, mandates how financial activity, including independent expenditures, is to be disclosed.

# The Law

- Registration
- Filing campaign receipts/expenditures
- Committee termination
- Treasurer resignation

# Committee Decides to Remain Open

- Ensure any missing Election/Periodic reports have been filed
- Review contributions to ensure limits have been adhered to
- Refund any over-contributions
- Review the status of liabilities and loans
- Ensure all loan documentation is up to date and has been submitted
- Submit campaign material
- Ensure compliance with reporting requirements

12/7/2016

# Committee Decides Terminate

- Steps prior to requesting termination
- Common misconceptions
- Steps to terminate

12/7/2016

# Steps Prior to Requesting Termination

- Ensure all missing Election/Periodic reports have been filed
- Review contributions to ensure limits have been adhered to
- Refund any over-contributions
- Ensure there are no outstanding liabilities or loans
- Submit campaign material
- Ensure compliance with reporting requirements

12/7/2016

# Common Misconceptions

It's not true that:

- Filing a post-election report ends the filing obligation
- Having a \$0 cash balance in the bank account ends the filing obligations
- Closing a bank account ends the filing obligation

12/7/2016

# Steps to Terminate

- File all required reports



# Steps to Terminate

- File all required reports
- \$0 cash balance – no negative balance

# Steps to Terminate

- File all required reports
- \$0 cash balance – no negative balance
- No outstanding loans/liabilities

# Steps to Terminate

- File all required reports
- \$0 cash balance – no negative balance
- No outstanding loans/liabilities
- Submit any outstanding evidence of indebtedness/forgiveness

# Loans: Evidence of Indebtedness

*Filer ID: A12345*

*May 2016*

*I loan my committee \$2,000.*

*Gary Government*

# Loans: Evidence of Forgiveness

*Filer ID: A12345*

*November 3, 2016*

*I forgive the loan to my committee of \$2,000.*

*Gary Government*

# Steps to Terminate

- File all required reports
- \$0 cash balance – no negative balance
- No outstanding loans/liabilities
- Submit any outstanding evidence of indebtedness/forgiveness
- Request termination with CF-18, in conjunction with filing a termination report

12/7/2016

## CF-18

CF-18 <b>TERMINATION OR RESIGNATION REQUEST FORM</b> <b>NO-ACTIVITY REPORT FORM</b>		
<small>NEW YORK STATE BOARD OF ELECTIONS THIS FORM MUST CONTAIN ORIGINAL SIGNATURES IN INK AND BE COMPLETED IN FULL</small>		
Treasurer/Candidate Name: _____		Filer ID#: _____
Committee Name: _____		
Please check the applicable box(es) in Sections A, B and C:		
A. I am the committee treasurer [ <input type="checkbox"/> ]      -or-      I am the candidate [ <input type="checkbox"/> ]		
B. I am submitting this form for the following purpose(s):		
1. <input type="checkbox"/> Requesting termination of the candidate's filing obligation as of the report indicated below.		
2. <input type="checkbox"/> Requesting termination of the committee as of the report indicated below.		
3. <input type="checkbox"/> Requesting resignation as treasurer of the committee as of the report indicated below.		
4. <input type="checkbox"/> Filing a No-Activity Report for the period indicated below.		
In order to qualify to file a No-Activity Report, there cannot have been any activity (i.e., receipts and/or expenditures, including interest, dividends and bank charges or outstanding loans or liabilities) during the reporting period and, therefore, there are no transactions to report. Filing a No-Activity Report may be done via the NYSBOE website, or by checking this box and the applicable reporting period indicated below.		
C. For the purpose(s) indicated in section B above, I am either submitting with this form on computer diskette, CD, DVD; or have submitted via e-mail, or via the NYSBOE website; or via this form through a No-Activity Report, the candidate/committee treasurer's campaign financial disclosure termination or resignation report or No-Activity Report for the period indicated below:		
1. <input type="checkbox"/> 32 Day Pre-Primary	7. <input type="checkbox"/> 32 Day Pre-Special	
2. <input type="checkbox"/> 11 Day Pre-Primary	8. <input type="checkbox"/> 11 Day Pre-Special	
3. <input type="checkbox"/> 10 Day Post-Primary*	9. <input type="checkbox"/> 27 Day Post-Special*	
4. <input type="checkbox"/> 32 Day Pre-General	10. <input type="checkbox"/> January Periodic, 20____	
5. <input type="checkbox"/> 11 Day Pre-General	11. <input type="checkbox"/> July Periodic, 20____	
6. <input type="checkbox"/> 27 Day Post-General*	12. <input type="checkbox"/> Off-Cycle Report (A report which does not correspond to any specific filing period.)	
*Campaign material or a disclaimer must be submitted with post election reports.		
I state that the information contained in the electronically filed disclosure report referenced above is in all respects true and complete to the best of my knowledge, information and belief, or I have no transactions to report for this period.		
Name- print or type _____		Candidate/Committee Treasurer Signature** _____
Title _____	Date Signed _____	Contact Phone Number _____
**Copies of signatures, including those on faxes, PDFs, or other electronic files, are not acceptable.		
Notwithstanding, providing false information in the disclosure report identified above or on this form constitutes a Class A Misdemeanor, punishable by a fine and/or imprisonment. See Penal Law §210.45.		
CF-18 11/12		



# Steps to Terminate

- File all required reports
- \$0 cash balance – no negative balance
- No outstanding loans/liabilities
- Submit any outstanding evidence of indebtedness/forgiveness
- Request termination with CF-18, in conjunction with filing a termination report
- Continue to file until termination is approved

Note: Pursuant to court rules, judicial candidates must conclude their campaign's financial activities within a specific time frame. See

<http://www.nycourts.gov/ip/jcec/index.shtml>





# If Funds Remain

## Options to Get to \$0 Balance

### Charity

- Contribute to a charity recognized by IRS

### Political

- Contribute to a candidate/political committee
- Transfer
  - Type 1 - Between a party or constituted committee and a candidate or candidate's authorized committee
  - Type 2 - Between two authorized committees solely supporting the same candidate

### Refund

- Refund on a pro-rated basis to all contributors

### Pay

- Turn funds over to General Fund

Note: Pursuant to court rules, judicial candidates have specific restrictions on disposition of remaining funds. See <http://www.nycourts.gov/ip/jcec/index.shtml>



# Missing a Report

January and July Periodic reports

- Required for any open committee

Election reports

- All candidates and/or their committees must file whenever the candidate's name appears on the ballot or is conducting a write-in campaign
- Committees supporting or opposing candidates for election must file all applicable election reports

# Negative Balance

Check reporting errors

- Was a contribution/expenditure entered more than once?
- Were all amounts entered correctly?
- Were any contributions/expenditures omitted?
- Was the candidate's money included?

Check earlier reports for errors that might impact current balance

# Campaign Material

Submit Campaign Materials with 10 Day Post-Primary and/or 27 Day Post-General/Special Election Report

- Copies of brochures, flyers, circulars, letterheads, pamphlets, etc.
- Photos of larger items, such as billboards
- Broadcast scripts, internet, advertisements

If no campaign materials were used, submit disclaimer with applicable report(s)

# Submit Campaign Material Electronically

Effective July 21, 2016, filers have the option of submitting campaign materials/political communications electronically to the NYSBOE.

To file campaign materials electronically, the following requirements on the document size and type must be met:

- The file must in pdf, jpeg, or png format;
- All video and audio files and any compressed, encrypted or executable files will be rejected
- PDF's should contain text or low res images only;
- Each individual attachment must be 5 MB or less. The aggregate size of all attachments in one email may not exceed 20MB.
- Multiple emails may be necessary with regard to adhering to size requirements.
- NYSBOE does not need a copy of an actual commercial, video or audio clip. A copy of the script is all that is required.

12/7/2016

# Submit Campaign Material Electronically

Send campaign materials to:

[CampaignMaterials@elections.ny.gov](mailto:CampaignMaterials@elections.ny.gov)

# View Disclosure Reports

Are You a Candidate?

Are You a Committee?

Register/Request Filer ID# & PIN

Handbook, Forms & Publications

File Disclosure Reports

**View Disclosure Reports**

Contribution Limits

Treasurer/Candidate Duties

Resignation/Termination

Campaign Finance FAQs

Filing Calendar

## View Disclosure Repo

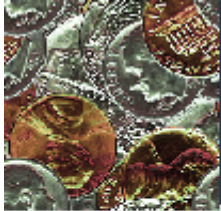
- Query the Database
- Data Availability
- Data Accuracy
- Database Files in ASCII Delimited Format

### Query the Database

#### Query Instructions

- View Contributions and Expenditures
- View Candidate or Committee by Name
- View Candidate or Committee by Filer ID
- View Committees by Office
- View 24 Hour Notices Filed - Sorted by Name
- View 24 Hour Notices Filed - Sorted by Date
- List of Active Filers
- List of All Filers in the Campaign Finance Database
- List of All Active Local Filers by County

# View Disclosure Reports



Campaign Financial Disclosure  
Provided by the New York State Board of Elections  
Candidate and Committee Search Page

[Campaign Finance Disclosure Reports](#) » Candidate and Committee Search

**Welcome!**

You have chosen to search our Database by Candidate Name or  
Committee Name

\*\*Enter Candidate Last Name or Committee Name:

Position

Submit Query

Reset

**\*\* Enter all or part of the name of the filer you are looking for or leave blank to list all filers in the Electronic Database.**



# View Disclosure Reports

FRIENDS OF ALLEN M. SMITH	Member of Assembly	1	N/A	N/A	N/A	A01348
FRIENDS OF BARBARA SMITH	Common Council	4	Albany	City	Albany	C47435
FRIENDS OF BUCK SMITH AND JASIEL	N/A	N/A	Orange	Town	Montgomery	C49902
FRIENDS OF CATHY BERN-SMITH	County Legislator	3	Schenectady	County	Schenectady	C85395

# Amend a Report

- Select *Electronic Filing System Software*
- Click the report you want to amend
- Modify and *Save* the transaction
- *Export* the Amended Report
- Select *This is an Amendment* check box and click *Continue*

# Amending with EFS

A84448

Balance: \$25,287.00

or Committee Name: New/Additional Filer Setup

11

EFS Export Process

**Step 1 of 2: Export (Save to File) a Report to Send to NYSBOE**

Click **Continue** if this is the first time you are filing this report.

Check the **This is an Amendment** box and then click **Continue** if this is an amendment of a previously filed report.

**This is an Amendment**

*Note: The software will give your report a name that consists of your Filer ID, the last two digits of the year, and an assigned letter of the alphabet that corresponds to the filing period (for example, A12345.10K). The software will give amendment reports a name with an A at the end of the report name (for example, A12345.10K.A). Do not alter the name of the report.*

**Continue** **Cancel**

# Continuing Obligation to File

Committee remains open

- Continues to file
- Requests termination and it is granted

# Await Approval

Once you have submitted the request, you will receive a letter from NYSBOE indicating:

- Your committee termination has been approved or
- You have additional requirements to fulfill before termination is approved

# Treasurer Decides to Resign

## Steps to Resign:

- File all required reports
- No negative balance in reports
- Resolve any deficiencies, including filing any outstanding campaign materials and/or evidence of indebtedness/forgiveness
- Request resignation with CF-18, in conjunction with filing a resignation report
- Attach copy of letter of resignation submitted to applicable candidate(s) or committee(s)
- Continue to file until resignation is approved



# After Resignation

- Retain records for five years

# Replacing a Treasurer

- Current treasurer resigns
- New treasurer submits amended registration forms as applicable

The committee may not raise or spend money until a new treasurer is chosen (exception: party/constituted committees)



# Question

“What if I filed my report and it’s not on the NYSBOE website?”

# Answer

“Call NYSBOE to check to see if it has been received or if there are technical problems with the report.”

# Question

“When my bank account is \$0, or I have closed my bank account, do I still have to file reports?”

# Answer

“Yes – a \$0 bank balance or closing a bank account does not end your obligation to file reports. You must continue to file until termination is requested and approved.”

# Question

“I’m ready to resign as treasurer. Do I have to find a new treasurer first?”

# Answer

“No - however, it is a ‘best practice’ to have a new treasurer register when your resignation is approved. The new treasurer must file amended forms as applicable.”

# Question

“When I request termination, do I also have to request resignation as treasurer?”

# Answer

“No.”



# Question

“What if I want to terminate my committee and my creditor will not forgive an outstanding liability?”

# Answer

“You must continue to file disclosure reports using Schedule N until this issue is resolved.”

A fundraiser to pay off outstanding liabilities is also permitted.

# Question

“Can I use campaign money to pay for a post-election party for staff and volunteers?”

# Answer

“Yes, you may have a post-campaign election party paid for with campaign funds.\*”

\*Unless it violates the personal use restrictions of EL 14-130.

Note: Pursuant to court rules, judicial candidates may have additional requirements/restrictions. See <http://www.nycourts.gov/ip/jcec/index.shtml>

# How to Find Us

Contact:

New York State Board of Elections

[www.elections.ny.gov](http://www.elections.ny.gov)

800-458-3453

Email: [cinfo@elections.ny.gov](mailto:cinfo@elections.ny.gov)