



## 2021 Elections

### What You Need to Know about PUBLIC FUNDS PAYMENTS

**Congratulations—you’ve joined the Campaign Finance Program!** (If you haven’t joined yet, the Program empowers more candidates to run for office by matching contributions from city residents with public funds. Learn more about how the Program works and how it benefits candidates and the public [here](#).)

This guidance document provides important information to Program participants about the requirements and deadlines to be eligible for public funds, the timing of payments, public funds payment withholdings, and compliance issues that could make you ineligible to receive public funds.

[Recent changes](#) to the Program increased the matching rate and the maximum amount of public funds participating candidates can receive per election, as follows:

Office	Matching Rate	Amount Eligible for Match Per Contributor	Maximum Public Funds Per Contributor
Mayor, Public Advocate, Comptroller	\$8-to-\$1	\$250	\$2,000
Borough President, City Council		\$175	\$1,400

Candidates running in the 2021 elections have the option of running under the previous version of the Program (Option B), which has a lower matching rate and public funds maximums, but higher contribution limits. Learn more here and in Chapter 2 of the [Handbook](#). The information in this document reflects participation in the new Program (Option A).

Another significant change to the Program is that participants can now qualify to receive public funds much earlier in the election cycle—months before the primary ballot is set (“pre-ballot payments”).

### REQUIREMENTS

Any candidate running for a CFB covered office (mayor, comptroller, public advocate, borough president, and City Council member) can join the matching funds program. To qualify to receive public funds, candidates must comply with the Campaign Finance Act and Board Rules, have at least one opponent, and complete the following requirements:

- Submit a [Certification](#)** to join the Program and declare your office sought.
- Meet a two-part financial [threshold](#)** for the office you are seeking by raising matchable contributions from NYC residents.
- Submit disclosure statements** by the [applicable deadlines](#).
- Complete both a Compliance and C-SMART [training](#).**
- Submit personal financial disclosure filing(s)** with the [Conflicts of Interest Board \(COIB\)](#). Candidates seeking their first payment in December 2020 or January 2021 must submit a partial year filing, covering financial information for the first 9 months of 2020. They must also complete a full year filing, covering all financial activity in calendar year 2020, in order to be able to keep and/or receive additional funds. For payments after January 2021, only the full year filing is required.

- Submit a [Statement of Need](#)** — A Statement of Need is a form with supporting documentation that certifies a candidate’s opponent meets one of several criteria (see form [here](#)). It is required under the following conditions:
  1. To receive *any* pre-ballot public funds unless you are running for an open seat (no incumbent is running for re-election) or an opponent has already received public funds.
  2. To lift the 25% cap on post-ballot primary payments unless you are running for an open seat or your primary opponent has already received public funds.
  3. To lift the 25% cap on general election payments even for open seats unless an opponent has already received public funds for the general election.
- If you ran in a previous election, you must satisfy any outstanding penalties or public funds repayment obligations to the CFB.

The deadline to complete each of these requirements varies depending on the public funds payment date. In particular, earlier deadlines apply when you are seeking a pre-ballot payment. The deadlines associated with each payment date can be found below under Timing & Types of Public Funds Payments.

## TIMING & TYPES OF PUBLIC FUNDS PAYMENTS

There are **13** payment dates scheduled for the 2021 election cycle. All participating candidates have the opportunity to qualify for public funds on the **five pre-ballot payment dates**. For the remaining **eight payments**, you must be on the primary and/or general election ballot to be eligible.

The maximum amount of public funds you can receive is based on the office you are seeking, and if you are on the ballot in both the primary and general election, you can qualify for the maximum for each election.

Office	Maximum Primary Election Public Fund Payment	Maximum General Election Public Fund Payment
Mayor	\$6,476,444	\$6,476,444
Public Advocate, Comptroller	\$4,048,888	\$4,048,888
Borough President	\$1,457,777	\$1,457,777
City Council	\$168,888	\$168,888

Option B candidates have a lower [maximum public funds payment](#) amount per election and are limited in the amount of pre-ballot public funds they can receive.

**Note:** Any pre-ballot public funds you receive count toward the maximum you can receive for the primary election (or general election if you don’t have a primary).

### PRE-BALLOT PAYMENTS

There are **five pre-ballot payment dates**. Candidates must complete **all** of the requirements listed by the deadlines shown below to be eligible for a scheduled public funds payment.

<i>To receive your first payment on</i>					
REQUIREMENTS	Dec. 15, 2020	Jan. 15, 2021	Feb. 16, 2021	Mar. 15, 2021	Apr. 15, 2021
<input type="checkbox"/> Meet <a href="#">threshold</a>	DS #5 (due 7/15/20)		DS #6 due (1/15/21)		DS #7 (due 3/15/21)
<input type="checkbox"/> Submit partial year <a href="#">COIB financial disclosure</a>	11/1/20		N/A		
<input type="checkbox"/> <a href="#">Certify</a> (and declare your office) <input type="checkbox"/> Complete <a href="#">training</a> requirements <input type="checkbox"/> Submit <a href="#">Statement of Need</a> (if required) <input type="checkbox"/> Statement Review Response (optional)*	11/23/20	12/23/20	1/25/21	2/22/21	3/25/21
<input type="checkbox"/> Submit full year <a href="#">COIB financial disclosure</a>	1/30/21 <sup>†</sup>		1/21/21 <sup>‡</sup>	2/19/21	3/22/21



**To receive pre-ballot public funds payments, candidates must be opposed by at least one other candidate registered with the CFB for the same office sought**

\* You may be able to demonstrate you met threshold or increase the amount of your eligible payment by submitting a Statement Review Response early and clearing up any invalid matching claims (IMCs); see Chapter 5 of the [Handbook](#).

<sup>†</sup> Candidates who submit the partial year COIB financial disclosure and receive public funds in December 2020 and/or January 2021 will be required to repay those public funds unless they also file the full-year COIB disclosure by the deadline.

<sup>‡</sup> Candidates seeking the February 16<sup>th</sup> payment must submit the full-year COIB disclosure by this date, regardless whether they submitted the partial year filing.

The dates shown above reflect the deadlines in order to receive your first public funds payment on that date. You do not have to complete these requirements **again** for each subsequent payment but you must continue to fundraise and disclose additional valid matching claims in your disclosure statements to qualify for additional payments, up to the maximum public funds payment for your office sought. Remember, there are 13 total payment opportunities, and while it is possible to qualify for the maximum amount of public funds on your first payment, many candidates will not.

**BUDGETING** - If you receive public funds early on—especially if you qualify for the maximum—those funds must be carefully budgeted to ensure you are able to campaign up to election day. This is particularly important if you do not anticipate having a primary opponent and therefore will not be on the primary ballot.

**BALLOT STATUS** – Although some payments will be made before any ballot is set, you must appear on the ballot for at least one election or you will have a substantial repayment obligation. **If you do not actively campaign, including gathering and submitting petition signatures with the NYC Board of Elections (BOE), you will be required to repay all public funds received.** Candidates who petition but fail to attain the ballot must stop spending public funds immediately and will face a substantial repayment obligation.

## POST-BALLOT PAYMENTS

### PRIMARY ELECTION

Only candidates who are on the ballot and opposed in the primary election and who complete the requirements by the deadlines shown below are eligible for primary public funds payments. If you already completed these

requirements and qualified for a pre-ballot payment, you do not have to complete them again to receive additional payments (except a new Statement of Need may be required to receive the full amount of funds for which you qualified); just continue fundraising and submitting additional matching claims in your disclosure statements. Remember: Any pre-ballot payments you received count toward the total maximum public funds you can receive for the primary election.

The primary ballot is typically set about two weeks after the BOE Petition Hearings (learn more about the petition process and timing on the BOE’s [website](#)). There are **three scheduled payment dates** for the 2021 primary elections.

<i>To receive your first payment on</i>			
REQUIREMENTS	May 13, 2021	May 27, 2021	June 17, 2021
<input type="checkbox"/> Meet <a href="#">threshold</a>	DS #7 (due 3/15/21)	DS #8 (due 5/21/21)	DS #9 (due 6/11/21)
<input type="checkbox"/> Submit <a href="#">Statement of Need</a> (if required)	3/15/21	5/21/21	
<input type="checkbox"/> Complete <a href="#">training requirements</a>	4/22/21	5/17/21	
<input type="checkbox"/> <a href="#">Certify</a> (and declare your office) <input type="checkbox"/> Submit full year <a href="#">COIB financial disclosure</a>	4/26/21		
 <b>To receive public funds payments after the ballot is set, candidates must be opposed by another candidate on the ballot.</b> Public funds may be capped at 25% of the maximum for primary payments unless you or an opponent submits a <a href="#">Statement of Need</a> (not required for open seats). Candidates for citywide offices must participate in the <a href="#">Debate Program</a> in order to receive public funds.			

## GENERAL ELECTION

Only candidates who are on the ballot for the general election and have completed all of the requirements by the deadlines given below are eligible to receive general election public funds payments. The ballot is typically set a few weeks after the BOE certifies the primary election results. (Learn more about the process and timing for setting the general election ballot on the BOE’s [website](#).) You are “on the general election ballot” on a particular line if you (a) had no opposition from your party in the primary, (b) ran in the primary and won based on the certified election results, or (c) you successfully submitted independent nominating petitions for the general election. **Note:** If you ran in the primary election and lost, but are running in the general election on another party line, you must submit a [Statement of Active Candidacy](#) and document that you are still campaigning in order to be eligible for general election public funds payments.

There are **five scheduled payment dates** for the 2021 general elections, and the eligibility deadlines are in the table below. **Note:** If you already completed these requirements to qualify for a pre-ballot or primary payment, you do not have to complete them again to receive additional payments in the general election; just submit additional matching claims in each subsequent disclosure period. However, all candidates can only receive 25% of the maximum public funds for the general election unless they submit a Statement of Need or an opponent has already received public funds for the general election. If you received the maximum public funds payment for the

primary election, you cannot receive any additional public funds until after the primary election results are certified.

REQUIREMENTS	To receive your first payment on				
	Jul. 15, 2021	Aug. 5, 2021	Sept. 2, 2021	Oct. 7, 2021	Oct. 28, 2021
<input type="checkbox"/> Meet <a href="#">threshold</a>	DS #9 (due 6/11/21)	DS #10 (due 7/15/21)	DS #11 (due 8/27/21)	DS #12 (due 10/1/21)	DS #13 (due 10/22/21)
<input type="checkbox"/> <a href="#">Certify</a> (and declare your office)	4/26/21				
<input type="checkbox"/> Complete <a href="#">training requirements</a>	5/17/21				
<input type="checkbox"/> Submit <a href="#">Statement of Need</a> (if required)	6/11/21	7/15/21	8/27/21	10/1/21	10/1/21
<input type="checkbox"/> Submit full year <a href="#">COIB financial disclosure</a>	6/21/21				
 <b>To receive public funds payments after the ballot is set, candidates must be opposed by another candidate on the ballot.</b> Public funds may be capped at 25% of the maximum for general election payments unless you or an opponent submits a <a href="#">Statement of Need</a> . Candidates for citywide offices must participate in the <a href="#">Debate Program</a> in order to receive public funds.					

## PUBLIC FUNDS WITHHOLDING AND DEDUCTIONS

The CFB withholds 5% of every public funds payment until the last payment date before the election. The CFB also withholds for certain contributions that may be in violation of the Act and Rules, for example, the CFB will withhold the over-the-limit portion of any contributions (as well as deem such contributions invalid for match during the statement review process). The CFB also withholds an amount equal to any prohibited contributions, such as contributions from corporations or unregistered political committees.

In addition, certain types of expenditures can result in deductions from your public funds payment (see Chapter 6 of the [Handbook](#) for more information). A payment letter specifying any withholdings and deductions from your public funds payment will be sent to your campaign on the date of a scheduled payment, and your Statement Review for that disclosure statement will provide detailed information.

Here is an example of how withholdings could affect your public funds payment.

**Candidate A**, a City Council candidate, met all the requirements to qualify for public funds. The campaign reported \$10,000 in matching claims and anticipates receiving a public funds payment of \$80,000. However, during the statement review process, \$700 of the \$10,000 is deemed invalid for match because 4 contributions are in excess of the contribution limit totaling \$400 over-the-limit. Not only are these contributions invalid for match, the \$400 over-the-limit portion will be withheld from

the total payment. In addition, the campaign accepted 2 contributions totaling \$2,000 from prohibited sources, resulting in an additional \$2,000 being withheld from the payment.

<b>Valid matching claims (\$10,000 - \$700)</b>	<b>\$9,300</b>
\$9,300 valid matching claims (multiplied by rate of 8)	\$74,400
Over-the-limit amount withheld	-400
Amount of prohibited contributions withheld	-2,000
<b>Subtotal</b>	<b>\$72,000</b>
5% standard withholding (campaign can receive this money on the last pre-election payment date if they stay in compliance)	-3,600
<b>Total public funds payment</b>	<b>\$68,400</b>

Once you address compliance issues that affected your payment (such as correcting invalid matching claims or documenting that you refunded the excess amount of any over-the-limit or prohibited contributions), you may qualify to receive additional public funds in a future payment. Learn more about pre-election auditing and Statement Reviews in Chapter 5 of the [Handbook](#).

## INELIGIBILITY FOR PUBLIC FUNDS

In addition to not meeting the baseline requirements in the Qualifying for Public Funds section on pgs. 1-2 of this document, your campaign is ineligible to receive public funds if any of the following are true:

1. There is a difference between the financial activity disclosed by the campaign and the financial activity documented in the campaign's bank records (a "**reporting variance**") of 10% or more for receipts or 40% or more for disbursements. This means that if the amounts deposited into and spent from your campaign's bank account do not match the disclosed amounts of contributions and/or expenditures, you would be ineligible to receive public funds if the difference exceeded the percentages above.
2. The campaign fails to report **employment information** for 25% or more of its contributions greater than \$99.
3. The campaign fails to provide complete and accurate **backup documentation** for 20% or more of the number of matching claims submitted.

There are a number of other factors that may lead to a determination of ineligibility, such as failing to provide documents or records requested by the CFB; see [Board Rule 3-01\(d\)](#) for more information.

## CONCLUSION

This document is a plain-language overview of the eligibility requirements, ineligibility criteria, and timing of public funds payments for the 2021 elections. It is not a substitute for the Campaign Finance Act or CFB Rules.

11/17/2020