

2013 POST- ELECTION REPORT



By the People:

The New York City Campaign Finance Program
in the 2013 Elections



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New York City Campaign Finance Board

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Foreword



Rose Gill Hearn, Chair,
NYC Campaign Finance Board

Welcome to the New York City Campaign Finance Board’s report on the 2013 elections.

The Campaign Finance Act, as enacted in 1988, requires that the Board “review and evaluate the effect of [the Act] upon the conduct of election campaigns in the city and shall submit a report to the mayor and the city council” containing the substance of its review, and recommendations for changes to the law.

This is the Board’s ninth such report, and my first as Chair. These reviews have provided the public with a broad, transparent view of the way that money is raised and spent in City elections, and they have helped strengthen the city’s Campaign Finance Program even as dramatic changes in the legal and political landscape have time and again threatened it with upheaval.

Along with its review of the elections, the report provides a review of the CFB’s own work and describes in detail some of the steps we’ve taken to improve the administration of the Program. The thoughtful efforts by lawmakers past and present to shape the Act, and the strong work of CFB staff to administer it, together provide a solid foundation for the Board’s proposals for further reforms, detailed within.

Thank you for your interest in the work of the Board.

Rose Gill Hearn
Chair

September 1, 2014

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Introduction

The Campaign Finance Board (CFB) is an independent, nonpartisan agency with three essential responsibilities: administering the city’s small-dollar matching funds program, enforcing the Campaign Finance Act, and increasing voter registration and participation in city elections. Together, the city’s landmark Campaign Finance Program and the CFB’s voter information and engagement campaign, NYC Votes, increase the voice of city residents and reduce the influence of big money in city elections.

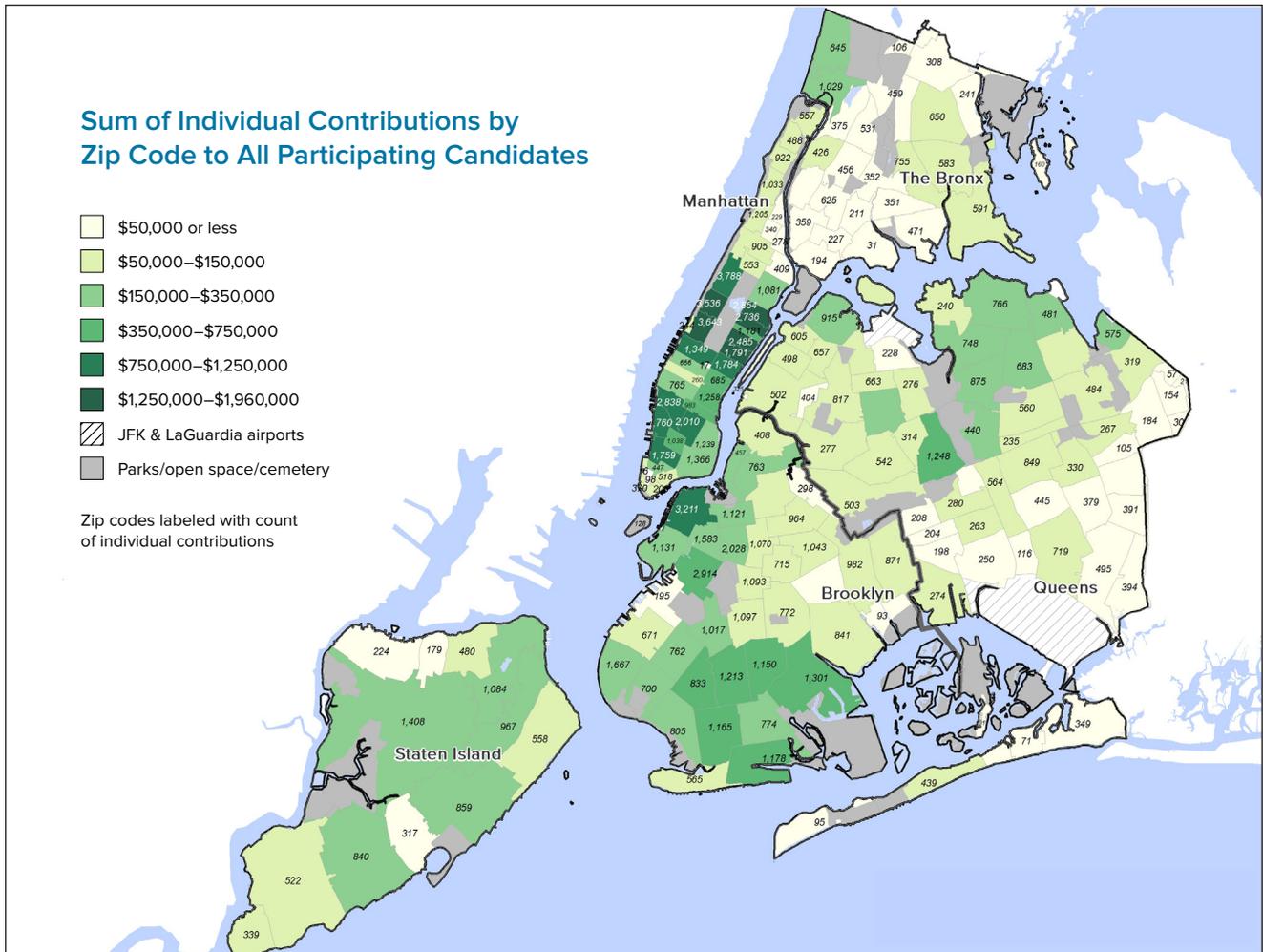
Candidates who join the Program qualify by raising small contributions from their constituents, which are then matched with public funds. Small contributions provide the foundation for New York City campaigns. For the 2013 elections, more than two-thirds of all New York City resident contributors to candidates gave \$175 or less.

Participating candidates must observe limits on their spending. All candidates must observe limits on the contributions they accept. All candidates must also make regular disclosures of their finances to the CFB, and all campaigns are subject to rigorous audits.

This report will examine the 2013 elections, illustrating in detail the Program’s impact on the way campaigns and elections are conducted in New York City. The report will explore the CFB’s administration of the new requirement for disclosure of independent expenditures, examine the Board’s voter engagement activities, and review the Board’s transparency and oversight initiatives.

Based on this review, the Board recommends that lawmakers amend the Act to strengthen existing safeguards against real and perceived corruption and to further improve the disclosure provided to the public. To maximize the public’s investment in the political process, the Board recommends amendments to make the Program more efficient and to make it simpler for candidates to participate. [See Chapter 5, Legislative Proposals].

This report includes maps, prepared by the Center for Urban Research at the CUNY Graduate Center, showing where candidates raised contributions in New York City during the 2013 elections. An interactive presentation is available on our website (www.nyccfb.info/2013Report). These maps demonstrate the impact of the Program, showing that New Yorkers from every neighborhood in every borough are the primary funders of candidates in city elections. [See map, “Sum of Individual Contributions by Zip Code to All Participating Candidates”].



The 2013 citywide elections, the seventh conducted under the Program, were historic. The elections provided several unmistakable reminders that the pace of change in New York City is relentless. As it has evolved along with the city, the Campaign Finance Program has enabled New Yorkers to choose leaders who reflect and understand the city’s evolving needs. The work of the CFB and the Program have helped ensure that voters, not money, decide New York City elections.

The 2013 elections were, by some measures, the most wide-open in the Program’s history.

With an opening in City Hall, both major parties held competitive primaries for mayor for the first time in twelve years. In the Democratic primary, all five major candidates ran in the Program. In the Republican primary, a participating candidate defeated a wealthy self-funder, despite being outspent three-to-one.

For the first time since 1997, the top two candidates in the general election for mayor were both Program participants. More public funds were paid in the 2013 mayoral election than in any other mayoral election in the Program’s history. During the primary and general elections, mayoral candidates participated in six debates conducted under the CFB’s NYC Votes voter education campaign.

For public advocate, another competitive election produced the first woman of color elected by voters to a citywide office. In an open primary for comptroller, a participating candidate faced a challenge from a well-known, wealthy self-funder who spent \$10 million in the three months before the election. With public matching funds, the participant ran an effective campaign and won the election.

In the wake of Citizens United, independent expenditures played a significant role in elections for nearly every office — especially in City Council races. Outside spending is not new to city elections, but the scope was astonishing: \$15.9 million spent overall; \$6.2 million in City Council primaries alone. As of 2013, independent expenditure groups were required to disclose their finances to the CFB, providing the public information about the sources of their funding.

With 20 open seats on the City Council, the 2013 elections created an opportunity to reshape that body. In some Council races, outside spending amounted to two or three times the spending limit for candidates. The Campaign Finance Program played a central role, ensuring that candidates were able to communicate effectively with voters even when they were considerably outspent by independent groups.

Participation rates remained high, showing that candidates for city office continue to believe in the Program and its values. More than 90 percent of candidates in the primary election participated; nearly 90 percent of candidates in the general election participated.*

Participation by the public was also high. The Program encourages candidates to get more city residents involved in city elections through small-dollar contributions, and in 2013 New Yorkers responded. Last year's election saw the largest number of contributors to candidates in any city election, ever.

* Candidates who spent at least \$10,000.

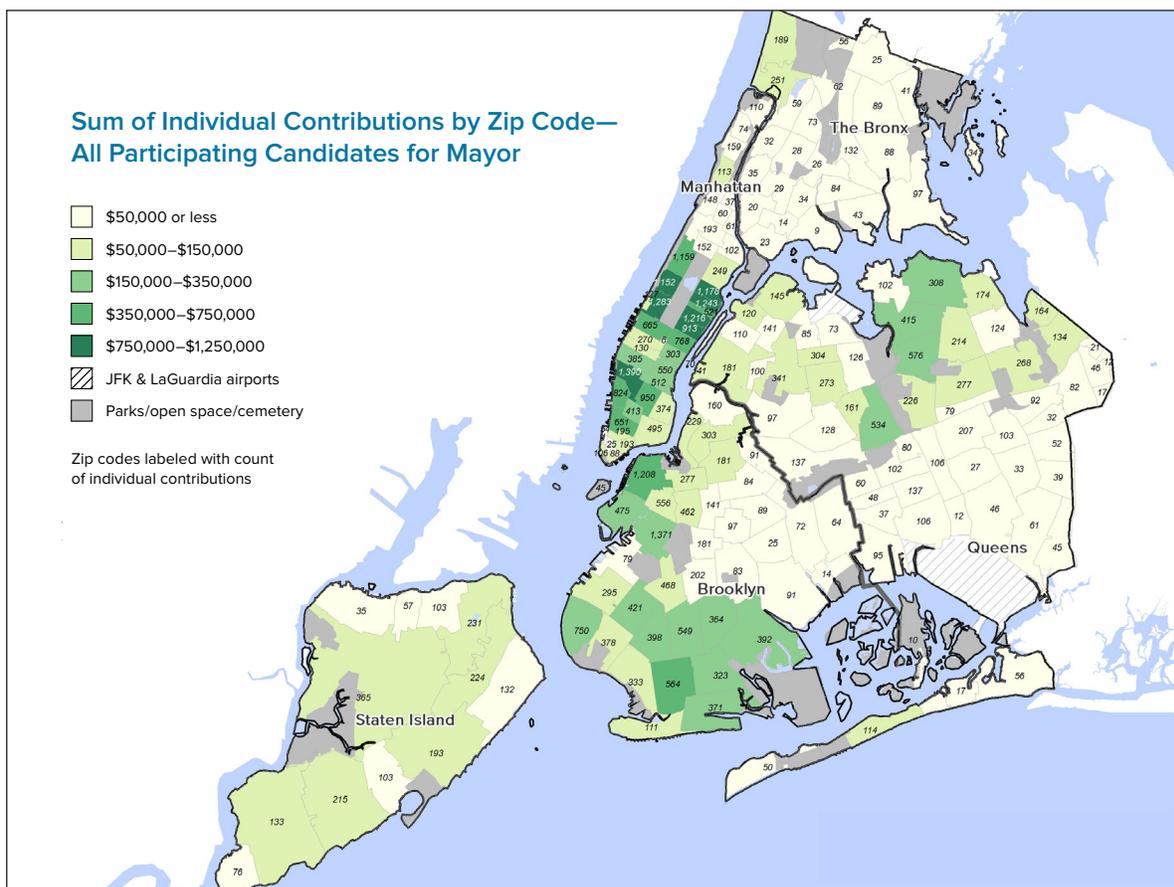
1

The Impact of the Campaign Finance Program

New York City’s landmark Campaign Finance Program played a central role in the 2013 elections. The Board paid \$38.2 million to 149 participating candidates, the highest amount since 2001. Participation in the matching funds program remained high — 92 percent of candidates on the primary ballot opted to join the Program.

The hotly contested Democratic mayoral primary race featured four high-profile candidates who received public funds. For the first time since 1997, both major-party mayoral candidates in the general election participated in the Program. As a result, the Board paid more than \$14 million to participating mayoral candidates, the highest amount paid to mayoral candidates in Program history.

New Yorkers from every corner of the city participated in the race by contributing to the candidates in large numbers. [See map of “Sum of Individual Contributions by Zip Code — All Participating Candidates for Mayor.”]



The 2013 elections also highlighted some challenges for the Program, particularly the remarkable influx of independent spending. Outside groups spent more than \$8 million on the mayor’s race, including significant expenditures on broadcast media advertising. In some races for City Council, outside groups were able to significantly outspend candidates. While the effectiveness of this spending is unclear, independent expenditures were a large part of the story of the 2013 elections.

MAYOR

Democratic Primary

In 2013, for the first time in twelve years, there was no incumbent mayor seeking reelection, and both the Democratic and Republican parties held spirited primary contests.

Five candidates were the main contenders in the highly competitive Democratic primary. Candidates such as Bill de Blasio, Bill Thompson and John Liu began fundraising in earnest more than two years before the primary.¹ However, two candidates, Christine Quinn and Anthony Weiner, had an early lead in the fundraising race thanks largely to contributions originally raised for the 2009 mayoral election.²

The field of competitive candidates took longer to coalesce on the Republican side.³ The process ultimately yielded two frontrunners: Joe Lhota, former chairman of the Metropolitan Transportation Authority, and businessman John Catsimatidis. (In discussions of citywide races below, only candidates who qualified as leading contenders in the Debate Program are included in the “Campaign Summary” tables.)

2013 LIMITS—MAYOR	
Contribution Limit	\$ 4,950
Doing Business Contribution Limit	\$ 400
Spending Limit (out-year)	\$ 303,000
Spending Limit (primary)	\$6,426,000
Spending Limit (general)	\$6,426,000
Maximum Public Funds	\$3,534,300
PUBLIC FUNDS THRESHOLD	
Dollar Amount	\$ 250,000
Number of Contributors	1,000

CAMPAIGN SUMMARY—DEMOCRATIC PRIMARY—MAYOR

Candidate	Private Funds	Public Funds Received	Expenditures	Votes	% Vote
Bill de Blasio	\$4,926,756	\$2,903,840	\$6,714,245	282,344	40.8
John Liu	\$3,538,007	\$ 0	\$3,075,584	47,286	6.8
Christine Quinn	\$8,019,471	\$3,534,300	\$6,486,119	108,893	15.7
Bill Thompson	\$4,773,122	\$1,852,446	\$6,645,676	180,841	26.1
Anthony Weiner	\$5,916,192	\$1,652,074	\$6,149,404	34,192	4.9

Private funds and expenditures in discussions of the primary election throughout this chapter include all transactions (including refunds) dated through September 10, 2013. Private funds includes contributions, transfers, and other receipts. Vote tallies and percentages calculated from Statement and Return Reports published by the Board of Elections in the City of New York. All data discussed reflects reporting by candidates as of February 13, 2014. [See Sources and Methods for more information.]

The Democratic primary featured several candidates leading the polls at various times, and remained that way until the final weeks of the election. Polls conducted throughout the summer predicted a runoff election, which is required by law if no candidate receives at least 40 percent of the vote. The Board issued an advisory opinion on June 20 allowing candidates to collect additional contributions for a runoff.* No candidate surpassed 40 percent in any major poll until the first week of September.⁴

The 2008 law extending term limits had a direct impact on fundraising for the 2013 elections. Both Quinn and Weiner chose to end their 2009 campaigns for mayor after the term limits extension was enacted. The Board permitted candidates who opted not to challenge previously term-limited incumbents to continue using their original 2009 committees for the 2013 elections.⁵ Doing so allowed the contributions those candidates had raised for the 2009 campaign to be eligible for matching funds in the 2013 elections.[†]

Quinn was a consistent front-runner in early polls.⁶ The Quinn campaign highlighted her record as Council speaker, claiming that policies implemented under her watch helped spur the city’s economic growth. However, Quinn’s opponents sharply criticized her for being too close to outgoing Mayor Bloomberg during her eight years as speaker.⁷

Among Quinn’s biggest challenges was spending by outside groups in opposition to her candidacy. The largest of these groups, New York City Is Not For Sale (NYCN4S), spent a total of \$856,762 opposing her under an “Anybody But Quinn” umbrella campaign. One of the group’s main funders, New Yorkers for Clean, Livable and Safe Streets (NYCLASS), an animal rights group that supports a ban on the horse carriage

* The advisory opinion was requested by the New Yorkers for de Blasio campaign on May 28, 2013. The campaign provided evidence that a runoff was “reasonably anticipated.” See, “Advisory Opinion No. 2013-2,” New York City Campaign Finance Board, June 20, 2013, http://www.nycfb.info/act-program/ao/AO_2013_2.htm.

† For each of these candidates, the CFB estimated a fundraising cost, or fundraising allocation, which was calculated by assessing a 15 percent flat rate on the total amount of funds on hand as of January 11, 2009. If a campaign’s total expenditures on that date were less than 15 percent of the funds on hand on that date, the lower figure was counted against the campaign’s 2013 spending limit.

industry in Central Park, opposed Quinn because she refused to do so. Media accounts tied the “Anybody But Quinn” campaign to the horse carriage issue.⁸

However, the bulk of the NYCN4S spending went to ads focused on Quinn’s support of the term limits extension and the closing of St. Vincent’s Hospital in the West Village (in Quinn’s Council district) in 2010.⁹ Amid these attacks, and others from her opponents, Quinn’s early lead in the polls evaporated by June 2013.¹⁰

Anthony Weiner, who had resigned his congressional seat in 2011 on the heels of a social media scandal, entered the race in May. Capitalizing on name recognition and non-stop media exposure, Weiner rose quickly to the top of the polls.¹¹ Weiner would maintain his lead through mid-July, until new details emerged of his continuing scandalous behavior.¹² With the new revelations, public support for his campaign evaporated.¹³

Public Advocate Bill de Blasio was the next candidate to step to the fore. With campaign rhetoric built around a “tale of two cities” narrative, de Blasio vowed to address the city’s income disparity and fight to sustain the middle class.¹⁴ The battle to prevent the closure of Brooklyn’s Long Island College Hospital became a centerpiece of de Blasio’s campaign. The candidate was arrested protesting the planned closure in mid-July.¹⁵

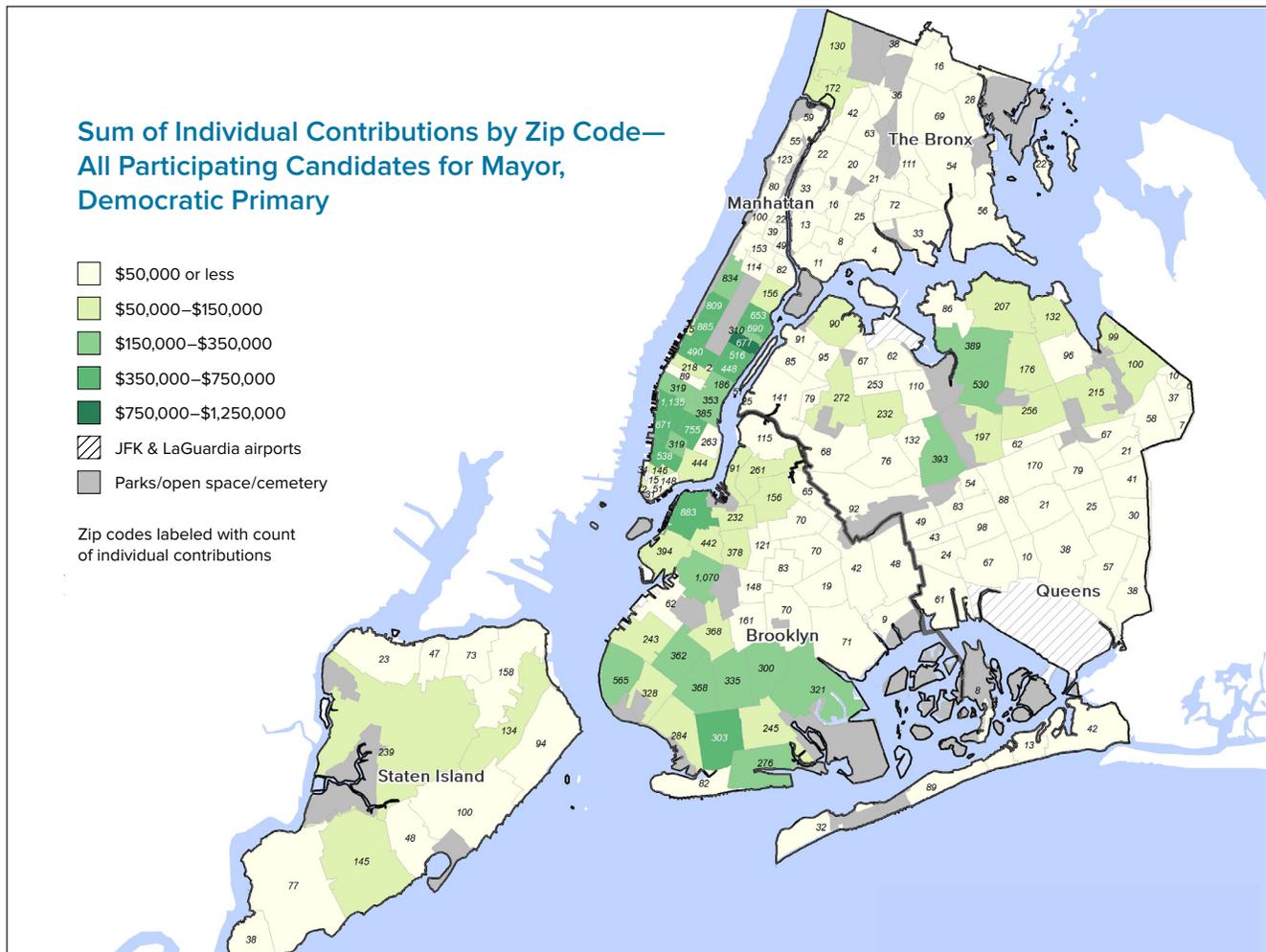
De Blasio’s family and personal story featured prominently in the campaign. His teenage son, Dante, became an overnight sensation after starring in a campaign ad highlighting candidate de Blasio’s opposition to stop-and-frisk.¹⁶

Bill Thompson, the former comptroller and 2009 Democratic mayoral nominee, maintained a steady level of support, consistently earning second or third place in the polls.¹⁷ Thompson staked out moderate positions on key issues such as tax increases and stop-and-frisk,¹⁸ and his campaign secured the endorsement of the United Federation of Teachers (UFT).¹⁹ Yet, despite his centrist message and institutional support, Thompson never claimed front-runner status. The campaign’s strategy focused on getting into the runoff.²⁰

SIGNIFICANT ENDORSEMENTS—DEMOCRATIC PRIMARY—MAYOR	
Bill de Blasio	1199 SEIU United Healthcare Workers East ²¹ , Communication Workers of America (CWA) District 1 ²²
John Liu	District Council 37 (DC 37), IBEW Local 3, Building and Construction Trades Council
Christine Quinn	<i>The New York Times</i> , <i>New York Post</i> , <i>Daily News</i> ²³ , SEIU Local 32BJ (32BJ SEIU), New York Hotel and Motel Trades Council (HTC) ²⁴
Bill Thompson	UFT ²⁵

The CFB’s matching funds program played a crucial role in the Democratic mayoral primary race in 2013. The CFB paid a total of \$9,942,660 in matching funds to four candidates — Quinn, de Blasio, Thompson, and Weiner. Quinn was the only candidate to receive the maximum matching payment of \$3,534,300.²⁶

The campaign filings show that the Program helped encourage participation and enthusiasm for the race among New Yorkers living in all sections of the city. The program participants in the Democratic mayoral primary raised contributions from supporters living in nearly every zip code. [See map, “Sum of Individual Contributions by Zip Code — All Participating Candidates for Mayor, Democratic Primary”]



The leading Democratic contenders, all of whom participated in the public financing program, spent at levels at or near the program’s expenditure limits. The de Blasio, Thompson, Quinn, and Weiner campaigns all spent close to the \$6.4 million spending limit in the Democratic primary.

One candidate who did not receive public funds was Comptroller John Liu. Liu’s campaign treasurer and a fundraiser were convicted in federal court in May 2013 of attempted wire fraud, obstructing a grand jury investigation, and making false statements related to the campaign’s fundraising.²⁷ The conviction of a campaign’s treasurer prior to an election was unprecedented in the history of the CFB.

While the federal criminal case informed the Board’s decision, the Board also conducted its own investigation examining only contributions beyond those at issue in the criminal trial. The Board’s investigation found further evidence of suspected campaign finance law violations, including reimbursed contributions and falsified documents, and some of the same senior staffers continued to be involved in fundraising even after the conviction.

The Liu campaign was informed both before (in a letter dated May 20, 2013) and after it joined the Program (in a letter dated July 19, 2013) that CFB staff would recommend the Board withhold payment.

At its August 5, 2013 meeting, the Board heard a presentation by an attorney for the Liu campaign. At that meeting, the Board determined that the Liu campaign was ineligible for payment because there was reason to believe that violations of the Act and Board rules had been committed. The Board’s conclusion to withhold public funds was based on evidence “of substantial non-compliance with the Act and Board rules — in particular the solicitation, receipt, and reporting of ‘straw donations.’”²⁸

The decision not to pay public matching funds to Liu’s campaign was criticized sharply by the candidate and his supporters.²⁹

Under the Act and Board rules the candidate, the candidate’s committee, and the committee’s treasurer are equally responsible for complying with the law.³⁰ In this case, the campaign’s treasurer was convicted before an election of crimes related to the campaign’s fundraising; some of the same senior staff continued to be involved in fundraising after the conviction; and a pattern showing evidence of potential violations persisted throughout the campaign.

After a summer-long campaign in which a runoff seemed all but assured, polls taken in the last days of the primary showed de Blasio hovering around the critical 40 percent mark.³¹ The unofficial vote tallies on Primary Day showed that de Blasio received slightly more than 40 percent of the vote, with Thompson finishing a distant second.³²

Initially, Thompson declared that he would continue campaigning and that a runoff would be necessary when all the votes were tallied. Because the unofficial results indicated that a runoff would not occur, the Board did not make any additional public funds payments for a runoff mayoral election. This determination did not prevent either campaign from raising contributions from new supporters or from supporters who had contributed less than the maximum amount. Thompson’s supporters and other observers criticized the Board’s decision not to pay runoff funds, arguing that it had prematurely “called” the election.³³

Over the following days, several labor unions shifted their endorsements to de Blasio and key allies urged Thompson to withdraw.³⁴ Thompson conceded on September 16.³⁵

The official results, certified on September 28, confirmed that de Blasio had received 40.8 percent of the votes.³⁶

Republican Primary

CAMPAIGN SUMMARY—REPUBLICAN PRIMARY—MAYOR					
Candidate	Private Funds	Public Funds Received	Expenditures	Votes	% Vote
John Catsimatidis	\$ 10,787,074	NP	\$11,253,440	24,864	40.7
Joe Lhota	\$ 2,255,895	\$1,943,076	\$ 3,963,574	32,236	52.7

Private funds and expenditures in discussions of the primary election throughout this chapter include all transactions (including refunds) dated through September 10, 2013. Private funds includes contributions, transfers, and other receipts. Vote tallies and percentages calculated from Statement and Return Reports published by the Board of Elections in the City of New York. All data discussed reflects reporting by candidates as of February 13, 2014.

Private funds for Catsimatidis include loans received and contributions made by the candidate to their own campaigns. “NP” indicated that the candidate opted not to participate in the matching funds program.

In the Republican primary, two candidates — former MTA Chairman Joe Lhota, and Gristedes supermarket CEO John Catsimatidis — captured the largest share of media attention and support in polls. Lhota campaigned heavily on his managerial experience and government service as deputy mayor to Rudy Giuliani, who endorsed Lhota’s campaign early on. Lhota jumped out to a 14-point lead in the polls by July 2013.³⁷ Lhota was also the consensus choice of the print media, receiving endorsements from *The New York Times*, the *New York Post*, and the *Daily News*.³⁸

Catsimatidis mostly self-financed his campaign, and did not participate in the matching funds program. As a non-participant, he did not have to adhere to an expenditure limit, and outspent Lhota by roughly \$7 million. Due to Catsimatidis’ spending, on August 5, the Board increased the spending limit in the Republican mayoral primary to \$9.6 million from \$6.4 million.

Another candidate in the race, George McDonald, was also a non-participant. Unlike Catsimatidis, McDonald did not self-fund his campaign, and his fundraising lagged behind the other candidates. McDonald filed a lawsuit in January 2013 challenging the application of the city’s contribution limits to non-participating candidates. The suit was dismissed in state court.³⁹ [For more on this litigation, please see Chapter 4 — Disclosure & Oversight.]

Public funds payments also played a significant role in the Republican primary race. Relying on public matching funds for nearly half of his primary campaign expenses, Lhota was able to communicate his core campaign message — that he was a proven manager with the experience to lead the city — to primary voters.

In the final tally, the self-funded Catsimatidis campaign spent more than \$11 million in the Republican primary. Still, his opponent Lhota, who did not start fundraising until January 2013 and spent just under \$4 million, managed to win the Republican primary by a double-digit margin.⁴⁰

General Election

CAMPAIGN SUMMARY—GENERAL ELECTION—MAYOR					
Candidate	Private Funds	Public Funds Received	Expenditures	Votes	% Vote
Bill de Blasio	\$5,738,019	\$1,090,656	\$6,847,919	795,679	73.2
Joe Lhota	\$1,237,448	\$1,184,958	\$2,593,904	264,420	24.2

Private funds and expenditures in discussions of the general election throughout this chapter include all transactions (including refunds) dated through September 11, 2013–January 11, 2014. Private funds includes contributions, transfers, and other receipts. Vote tallies and percentages calculated from Statement and Return Reports published by the Board of Elections in the City of New York. All data discussed reflects reporting by candidates as of February 13, 2014.

For the first time since 1997, the general election featured two candidates relying on the Campaign Finance Program to finance their campaigns.

Enthusiasm for de Blasio’s campaign following his victory in the Democratic primary translated into a significant spike in fundraising, while Lhota’s fundraising lagged behind. This fundraising disparity lasted throughout the general election campaign, with de Blasio outraising Lhota by more than 4-to-1 from the day after the primary through the end of the election cycle.⁴¹ During this period, the average contribution from individuals to the de Blasio campaign was \$985, compared to the average amount of \$597 contributed prior to the primary. Lhota’s contribution from individuals averaged just \$375 after the primary, compared to \$538 before.

Much as in the primary election, public funds helped Lhota close the gap. Relying on public funds for 52 percent of his spending, Lhota narrowed de Blasio’s advantage in spending to just 2.6-to-1. By contrast, public funds comprised just 16 percent of de Blasio’s campaign spending for the general election.

After the primary, the New York Progress and Protection PAC (NYPPP), which planned to make independent expenditures supporting Lhota’s candidacy, challenged a New York state law limiting aggregate contributions to political committees to \$150,000.⁴² NYPPP sought an injunction preventing enforcement of this limit to allow it to accept contributions in unlimited amounts. The District Court denied NYPPP’s motion on October 17⁴³, but one week later, the Second Circuit reversed the decision and granted the injunction.⁴⁴

However, most independent expenditures in the general election helped de Blasio, with pro-de Blasio/anti-Lhota groups outspending pro-Lhota groups by more than \$3-to-\$1.⁴⁵

Lhota was endorsed by the *New York Post*, while de Blasio received the endorsements of *The New York Times*, the *Daily News*, and various labor unions.⁴⁶ De Blasio was a strong favorite coming out of the primary and maintained a consistent lead, receiving at least 65 percent support in polls through late October.⁴⁷

The polls proved accurate, as de Blasio won a landslide victory with more than 73 percent of the vote to Lhota’s 24 percent.

Analysis (Full Election Cycle)*

FUNDRAISING ANALYSIS—MAYOR			
Candidate	Avg. Contribution Size [Individuals]	Number of Small Contributors	% Contributors from NYC
Bill de Blasio (D)	\$ 808	6,243	74
John Catsimatidis (R)	\$ 472	27	49
Joe Lhota (R)	\$ 529	3,709	75
John Liu (D)	\$ 494	3,195	80
Christine Quinn (D)	\$ 872	3,552	70
Bill Thompson (D)	\$ 822	2,571	72
Anthony Weiner (D)	\$1,183	1,714	62

CAMPAIGN EXPENDITURES—MAYOR				
Candidate	Print Media	TV & Radio	Other	Total
Bill de Blasio (D)	\$1,042,606	\$7,538,064	\$4,981,494	\$13,562,164
John Catsimatidis (R)	\$1,716,507	\$3,836,237	\$5,700,696	\$11,253,440
Joe Lhota (R)	\$1,089,738	\$2,652,205	\$2,815,535	\$ 6,557,478
John Liu (D)	\$ 378,522	\$ 133,686	\$2,937,008	\$ 3,449,216
Christine Quinn (D)	\$ 80,319	\$1,733,439	\$5,055,786	\$ 6,869,544
Bill Thompson (D)	\$ 500,024	\$3,323,917	\$2,925,545	\$ 6,749,486
Anthony Weiner (D)	\$ 10,130	\$4,369,928	\$2,344,518	\$ 6,724,576

* Calculations based on contributions and other transactions throughout the entire election cycle, ending January 11, 2014. Small contributors are individuals who gave one or more contributions totaling \$175 or less.

To provide a more reasonable indication of the average contribution to the Catsimatidis campaign, the candidate's contributions to his own campaign (\$10,763,950) were omitted for his average contribution calculations. When including Catsimatidis' own contributions, his campaign's average contribution rises to \$239,660. Contributions include loans that the candidate made to his own campaign.

INDEPENDENT EXPENDITURES — MAYOR		
Candidate	Support	Oppose
Bill de Blasio (D)	\$ 514,451	\$ 18,968
Joe Lhota (R)	\$ 521,725	\$1,044,742
John Liu (D)	\$ 451,066	—
Christine Quinn (D)	\$ 831,047	\$ 1,001,161
Bill Thompson (D)	\$3,076,149	—

Independent expenditures featured prominently in the 2013 mayoral race. As discussed above, independent spenders NYCLASS and NYC4S devoted nearly \$1 million to defeating Quinn in the Democratic primary. This amount was by far the highest devoted to opposing any candidate in the primary.

The “Anybody But Quinn” independent expenditure blitz, in particular NYCLASS’s role in the campaign, became a major focus of the media’s post-election analysis.⁴⁸

Quinn did benefit from significant union support, including union-financed independent expenditures. Most notably, the advocacy arms of the HTC made over \$700,000 in independent expenditures in support of her candidacy.

Bill Thompson received far and away the most support from independent groups, which spent more than \$3 million supporting his mayoral campaign. The vast majority of Thompson’s outside support, more than \$2.7 million, was provided by United for the Future, an independent spender funded by the UFT.

In the general election, Lhota’s campaign faced a barrage of negative independent ads. Several labor unions and advocacy groups, including some that had supported other Democratic candidates in the primary, contributed \$1 million to a group called New York Progress that ran television advertisements painting Lhota as a “Tea Party Republican.”⁴⁹ Other union and advocacy groups spent an additional \$291,000 promulgating pro-de Blasio messages.

Lhota received some support from independent spenders, notably the NYPPP and New Yorkers for Proven Leadership, which drew large contributions from national conservative funder David Koch. However, the \$386,000 spent by these groups was overshadowed by the anti-Lhota independent expenditures during the general election.

COMPTROLLER

The comptroller is the city's chief financial officer, responsible for managing the city pension funds, providing oversight of the city's budget, keeping the mayor and City Council informed about the city's financial condition, auditing city agencies, registering and auditing contracts, and issuing and selling city bonds.

In past years, the comptroller's race has taken a backseat to the mayoral contest. But in 2013, the race grabbed the national spotlight when former New York State Governor Eliot Spitzer made a surprising, last-minute decision to challenge Manhattan Borough President Scott Stringer in the Democratic primary.

The Campaign Finance Program played a significant role in the contest. Public matching funds provided resources to a Stringer campaign that suddenly found itself facing a wealthy, self-financed opponent. The CFB-sponsored debates gave voters the chance to compare both candidates side-by-side in a pair of compelling debates.

2013 LIMITS—COMPTROLLER	
Contribution Limit	\$ 4,950
Doing Business Contribution Limit	\$ 400
Spending Limit (out-year)	\$ 303,000
Spending Limit (primary)	\$4,018,000
Spending Limit (general)	\$4,018,000
Maximum Public Funds	\$2,209,900
PUBLIC FUNDS THRESHOLD	
Dollar Amount	\$ 125,000
Number of Contributors	500

Democratic Primary

Manhattan Borough President Scott Stringer appeared to have a clear path early in the comptroller's race, with the incumbent, John Liu, running for mayor. Initially a candidate for mayor, Stringer announced in November 2012 that he would instead run to be chief financial officer.⁵⁰ When City Council Members Daniel Garodnick and Domenic Recchia dropped out of the race in January 2013, it appeared that Stringer might coast to victory unopposed.⁵¹

However, on Sunday, July 7, just days before the deadline to get on the primary ballot, Eliot Spitzer announced he would challenge Stringer, dramatically altering the contest.⁵² Some observers speculated that Spitzer (who resigned as governor in 2008 amid a prostitution scandal after serving just one year) might not be able to collect a sufficient number of petition signatures, but his campaign ultimately delivered seven times the number required to the Board of Elections just before the deadline on July 11.⁵³

Spitzer’s successful dash to secure a spot on the ballot was helped by two significant advantages he would carry into the primary race: name recognition and money. Spitzer’s ability to self-finance without limits appeared to put Stringer at a significant disadvantage.⁵⁴

However, Stringer qualified for and received public funds that helped him remain competitive throughout the race. Of the nearly \$5.9 million Stringer spent in the primary race, 32 percent was provided by matching funds.

CAMPAIGN EXPENDITURES—DEMOCRATIC PRIMARY—COMPTROLLER					
Candidate	Private Funds	Public Funds	Expenditures	Votes	% Vote
Eliot Spitzer	\$10,453,323	NP	\$10,236,866	288,739	47.9
Scott Stringer	\$ 4,300,710	\$1,885,518	\$ 5,972,123	314,285	52.1

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“NP” indicated that the candidate opted not to participate in the matching funds program.

Many criticized Spitzer, who had been a strong proponent of public campaign financing during his tenure as governor, for not participating in the Program.⁵⁵ (The June 10 deadline for candidates to join the matching funds program had passed before Spitzer entered the race.)

Stringer called on Spitzer to voluntarily comply with the Program’s \$4 million spending limit for the comptroller primary, but Spitzer declined.⁵⁶ Due to Spitzer’s spending, the Board raised the spending limit for the comptroller’s race to \$6 million on August 5, 2013.⁵⁷

While Spitzer attracted enormous media attention and took an initial lead in the polls, his candidacy generated an increase in contributions to Stringer’s campaign.⁵⁸ From July 7, the day Spitzer announced his run, to Primary Day, Stringer raised more than \$720,000. In the previous six months, his campaign reported just \$110,774 in contributions.⁵⁹

The Stringer campaign also benefitted from significant outside support, including a raft of endorsements and spending by independent groups.⁶⁰ In total, outside groups spent \$1,011,798 on communications supporting Stringer or opposing Spitzer.

SIGNIFICANT ENDORSEMENTS—COMPTROLLER DEMOCRATIC PRIMARY	
Eliot Spitzer	Civil Service Employees Association of New York
Scott Stringer	Bill de Blasio, Christine Quinn, Daniel Squadron, Working Families Party (WFP), 32BJ SEIU, 1199 SEIU, HTC, UFT, DC 37, <i>The New York Times</i> , <i>Daily News</i> , <i>New York Post</i> , <i>New York Observer</i>

While polls conducted in early July showed Spitzer with a slight edge over Stringer, by the middle of August, polls showed Spitzer surging to a double-digit lead.⁶¹

The candidates met in two CFB-sponsored debates, on August 12 and on August 22.⁶² In the weeks following the debates, the polls began to show public support shifting towards Stringer.⁶³ A Quinnipiac poll released on September 9 showed Stringer with a 7 percent lead.⁶⁴

On Election Day, despite being outspent by nearly \$5 million, the publicly-financed Stringer won a solid victory, capturing 52 percent of the vote to Spitzer’s 48 percent.⁶⁵

General Election

In the general election, Stringer faced John Burnett, a Republican and first-time candidate. Although Burnett qualified for and participated in a CFB debate, he did not meet the threshold to qualify for public funds. After a spirited performance at the CFB-sponsored debate on October 8, Burnett picked up an endorsement from the *New York Post*.⁶⁶ The other papers and most other unions and good government groups endorsed Stringer.⁶⁷

When polls closed on Election Day, Stringer emerged with a decisive win, collecting 76 percent of the vote.⁶⁸

Analysis (Full Election Cycle)*

FUNDRAISING ANALYSIS—COMPTROLLER			
Candidate	Avg. Contribution Size [Individuals]	Number of Small Contributors	% Contributors from NYC
Eliot Spitzer	—	—	—
Scott Stringer	\$743	2,220	67

Almost all of the more than \$10 million raised by the Spitzer campaign came from the candidate himself. The Stringer campaign relied on traditional campaign fundraising, including a sizeable number of small-dollar contributors, and the CFB’s matching funds program. With the surge in fundraising generated by Spitzer’s entry into the race, Stringer’s average contribution totals were not much less than those of the leading fundraisers in the mayoral race.

* Calculations based on contributions and other transactions throughout the entire election cycle, ending January 11, 2014. Small contributors are individuals who gave one or more contributions totaling \$175 or less. The Spitzer campaign was exclusively funded by contributions from the candidate.

CAMPAIGN EXPENDITURES—COMPTROLLER				
Candidate	Print Media	TV & Radio	Other	Total
Eliot Spitzer	\$1,527,185	\$6,920,380	\$1,210,643	\$10,658,208
Scott Stringer	\$ 233,877	\$4,709,708	\$1,319,490	\$ 6,263,075

Spitzer enjoyed a more than \$4 million spending advantage over Stringer. Both campaigns focused a substantial portion of their spending on TV and radio advertising. Spitzer outspent Stringer by nearly \$7-to-\$1 on print media advertising.

INDEPENDENT EXPENDITURES—COMPTROLLER		
Candidate	Support	Oppose
Eliot Spitzer (D)	\$ 18,968	—
Scott Stringer (D)*	\$979,844	—

* \$18,968 were not included in independent expenditures related to Scott Stringer from *Pledge 2 Protect, Inc.* as they were not determined to be in support or opposition of Scott Stringer.

Support for Stringer from independent groups helped diminish the effect of Spitzer’s personal fortune. More than half of the independent spending went to mailers supporting Stringer’s candidacy, buttressing his campaign’s otherwise paltry print media efforts.

Stringer greatly benefited from the public campaign funds, broad media exposure (including two CFB debates), and institutional support to win the primary.

PUBLIC ADVOCATE

The public advocate acts as a government watchdog, resolving complaints about city services and monitoring the operation of various city agencies’ public information and service programs. Should the mayor become unable to fulfill his or her duties, the public advocate would act as mayor until a special election is held. The public advocate also presides over City Council meetings and may introduce or sponsor city legislation.

2013 LIMITS—PUBLIC ADVOCATE	
Contribution Limit	\$ 4,950
Doing Business Contribution Limit	\$ 400
Spending Limit (out-year)	\$ 303,000
Spending Limit (primary)	\$4,018,000
Spending Limit (general)	\$4,018,000
Maximum Public Funds	\$2,209,900
PUBLIC FUNDS THRESHOLD	
Dollar Amount	\$ 125,000
Number of Contributors	500

Democratic Primary

With incumbent Bill de Blasio running for mayor, the race for public advocate was an open contest. By April 2012 — more than a year and a half before the primary — three candidates had announced they would seek the Democratic nomination: City Council Member Letitia James, former Deputy Public Advocate Reshma Saujani, and State Senator Daniel Squadron.⁶⁹ They were soon joined in the race by Catherine Guerriero, a professor at NYU and Columbia, and Sidique Wai, an analyst and advisor to the New York City Police Department.⁷⁰

Early polling in the race hinted at a competitive primary. A June 2013 poll of registered Democrats showed that James (supported by 17 percent of those polled) enjoyed a slim lead over Guerriero (16 percent) with Squadron and Saujani at 8 percent and 4 percent, respectively.⁷¹ The poll's most striking result was that 54 percent of registered Democrats were undecided.⁷²

The races for mayor and comptroller overshadowed the public advocate's contest throughout the primary season. Less than a month before the primary, a poll showed 51 percent of registered Democrats remained undecided.⁷³ The CFB-sponsored debates were a crucial forum for the candidates to distinguish themselves before the voters.⁷⁴

Various groups, mostly labor unions, provided support for James, though independent expenditures did not play a significant role in the primary. Four groups made \$58,126 worth of independent expenditures in support of James, by far the highest total (the second-highest was \$4,585 in support of Guerriero).

CAMPAIGN SUMMARY—PRIMARY ELECTION—PUBLIC ADVOCATE

Candidate	Private Funds	Public Funds	Expenditures	Votes	% Vote
Catherine Guerriero	\$ 293,032	\$ 0	\$ 377,709	69,025	13.0
Letitia James	\$ 788,073	\$ 922,446	\$1,480,154	191,347	36.1
Reshma Saujani	\$1,502,356	\$1,346,424	\$2,890,825	76,983	14.5
Daniel Squadron	\$1,662,263	\$2,046,879	\$3,625,024	178,151	33.6

Because no candidate in the Democratic primary received more than 40 percent of the vote, the top two vote-getters participated in the runoff primary held on October 1, 2013.

The electorate's relative ambivalence towards the race was manifest on Election Day, as the public advocate primary received the lowest vote total (530,089) of the three Democratic primaries for citywide office (the Democratic primaries for mayor and comptroller received 691,801 and 603,106 votes, respectively).

No candidate won 40 percent, meaning that the top two vote-getters, James and Squadron, would face each other in a runoff.⁷⁵

Runoff Election

CAMPAIGN SUMMARY—RUNOFF ELECTION—PUBLIC ADVOCATE

Candidate	Private Funds	Public Funds	Expenditures	Votes	% Vote
Letitia James	\$176,033	\$230,612	\$567,573	119,604	59.0
Daniel Squadron	\$423,229	\$511,720	\$879,887	83,043	41.0

Private funds and expenditures for the runoff include all transactions (including refunds) dated September 11 – October 1, 2013. Private funds includes contributions, transfers, and other receipts. Vote tallies and percentages calculated from Statement and Return Reports published by the Board of Elections in the City of New York. All data discussed reflects reporting by candidates as of February 13, 2014.

Separated by only 3.5 percentage points in the primary, the James and Squadron campaigns focused on mobilizing their resources for a frenetic runoff election. As was the case in the primary election, Squadron enjoyed a significant fundraising advantage over James in the three-week runoff campaign.*

* The New York City Board of Elections, confronted with the significant challenge of tabulating primary votes and printing runoff election ballots, asked Albany lawmakers to push back the runoff election date an additional week, to October 1, 2013. Previously, the runoff elections were held two weeks after the primary. See: Thomas Kaplan, "Lever Voting Machines and New Runoff Date are Approved by Cuomo," *The New York Times*, July 9, 2013, <http://www.nytimes.com/2013/07/10/nyregion/cuomo-approves-the-use-of-lever-voting-machines.html?>

Squadron raised \$429,249 in runoff contributions to James' \$166,509. Squadron boasted endorsements from U.S. Senator Charles Schumer, former Public Advocates Betsy Gotbaum and Mark Green, and three local newspapers.⁷⁶

James, on the other hand, counted on the endorsement and support of the WFP, an array of labor unions, and other groups.⁷⁷ James' labor union support was more visibly active than it had been in the primary, making \$296,436 in independent expenditures in support of James.⁷⁸ Expenditures from 1199 SEIU accounted for more than two-thirds of this amount.

Concern over anticipated low voter turnout and the costs of holding the runoff spurred various observers to call for instant runoff elections. Dick Dadey, executive director of Citizens Union, lamented that a low turnout election would favor "narrow special interests" instead of "allowing as many people as possible to have choice in who is elected to a citywide office."⁷⁹ Estimates for the cost of running the election were greater than the four-year budget of the public advocate's office.⁸⁰

Predictions of low voter turnout proved accurate. Only 200,000 voters, or just 6.9 percent of those eligible, cast a ballot.⁸¹ James' campaign succeeded in turning a 3.5-point advantage on Primary Day into an 18-point advantage in the runoff as she became the Democratic nominee for public advocate.⁸²

General Election

James won the November 5, 2013 general election, receiving 74 percent of the vote. Her closest competitor, Robert Maresca of the Conservative Party, received 11 percent.⁸³ James declined public funds for the general election.

Analysis (Full Election Cycle)*

FUNDRAISING ANALYSIS—PUBLIC ADVOCATE			
Candidate	Avg. Contribution Size [Individuals]	Number of Small Contributors	% Contributors from NYC
Catherine Guerriero	\$171	1,003	71
Letitia James	\$251	2,108	79
Reshma Saujani	\$380	2,743	67
Daniel Squadron	\$517	2,544	82

Large contributions were seemingly not the key to winning the race for public advocate. James, the leading vote-getter in the primary and runoff elections had a relatively low \$251 average contribution size. Squadron, who led the field in terms of total and average contributions, could not translate this advantage into victory.

* Calculations based on contributions and other transactions throughout the entire election cycle, ending January 11, 2014. Small contributors are individuals who gave one or more contributions totaling \$175 or less.

All of the public advocate candidates received an overwhelming majority of their contributions from city residents. The three leading vote-getters in the primary — James, Squadron, and Guerriero — received at least 70 percent of their contributions from city residents.

CAMPAIGN EXPENDITURES—PUBLIC ADVOCATE				
Candidate	Print Media	TV & Radio	Other	Total
Letitia James	\$304,694	\$ 666,704	\$1,232,618	\$2,204,015
Daniel Squadron	\$937,416	\$2,753,568	\$934,796	\$4,625,779

Squadron’s campaign spent more than double the amount spent by James during the primary and runoff elections, with Squadron making significantly higher outlays on print and broadcast media advertising.

The James campaign concentrated more than half of its spending on other areas, particularly field and get-out-the-vote operations.

INDEPENDENT EXPENDITURES —PUBLIC ADVOCATE		
Candidate	Support	Oppose
Letitia James (D)	\$377,335	\$0
Daniel Squadron (D)	\$ 3,125	\$0

The James campaign also enjoyed sizeable support from independent expenditure groups during the runoff. Certainly James’ focus on field operations, along with support from unions and other institutional backers, helped her campaign overcome a significant financial disadvantage.⁸⁴ However, public funds provided more of her campaign’s funding than private contributions in both the primary and runoff races, and more than three times the amount spent by outside groups.

BOROUGH PRESIDENT

The borough presidents are the chief executives for each of New York City’s five boroughs. Borough presidents review major land use proposals and decisions on sites for city facilities in their borough. They appoint members to the City Planning Commission, the Panel for Educational Policy, and the community boards within their borough.

In the 2013 elections, four out of five borough presidencies were open seats, with openings in Brooklyn, Queens, and Staten Island due to term limits. However, only the primary races in Manhattan and Queens proved to be competitive. The absence of independent spending in the borough president races is notable compared to the citywide and Council races.

2013 LIMITS—BOROUGH PRESIDENT	
Contribution Limit	\$ 3,850
Doing Business Contribution Limit	\$ 320
Spending Limit (out-year)	\$ 135,000
Spending Limit (primary)	\$1,446,000
Spending Limit (general)	\$1,446,000
Maximum Public Funds	\$ 795,300
PUBLIC FUNDS THRESHOLD	
Dollar Amount	\$10,000 – \$50,094
Number of Contributors	100

Manhattan

CAMPAIGN SUMMARY—DEMOCRATIC PRIMARY—MANHATTAN BOROUGH PRESIDENT						
Candidate	Avg. Contribution Size [Individuals]	Private Funds	Public Funds	Expenditures	Votes	% Vote
Gale Brewer	\$272	\$ 496,643	\$774,810	\$1,100,015	62,738	39.7
Robert Jackson	\$189	\$ 472,675	\$795,300	\$1,231,482	30,873	19.6
Jessica Lappin	\$466	\$ 783,480	\$772,326	\$1,499,471	37,292	23.6
Julie Menin	\$586	\$1,031,672	\$795,170	\$1,508,284	26,992	17.1
<p>Private funds and expenditures in discussions of the primary election throughout this chapter include all transactions (including refunds) dated through September 10, 2013. Private funds includes contributions, transfers, and other receipts. Vote tallies and percentages calculated from Statement and Return Reports published by the Board of Elections in the City of New York. All data discussed reflects reporting by candidates as of February 13, 2014.</p>						

The Democratic primary for Manhattan borough president was very competitive after the incumbent, Scott Stringer, opted to run for comptroller. The race drew four relatively well-known candidates: Council Members Gale Brewer, Robert Jackson, and Jessica Lappin, and former Community Board 1 Chair Julie Menin.

All four candidates participated in the Campaign Finance Program and each campaign received public funds payments at or approaching the maximum amount of \$795,300.

Menin, the only candidate in the race who did not hold elected office, took an early fundraising lead. She announced in July 2012 that her campaign had collected enough qualifying small contributions to receive a full public funds payment.⁸⁵ By January 2013, Menin reported raising more than \$1 million in private contributions, meaning that she would have sufficient funding to spend the maximum allowed in the primary race.

She explained that completing her fundraising effort so early in the election cycle “frees me to visit and talk with hundreds of residents, neighborhood groups and organizations.”⁸⁶

Council Member Jessica Lappin also raised robustly, collecting \$740,000 by July 2012.⁸⁷ By January 2013, Lappin announced that she too was “finished fundraising for the Democratic primary.”⁸⁸

The other candidates raised significantly less in private contributions — and relied on public matching funds for a greater share of their campaign spending. Council Member Gale Brewer did not begin fundraising until March 2013. However, her campaign released an internal poll in June showing her leading the field, and by the beginning of August her campaign had raised more than \$400,000 in private contributions. Public funds accounted for 71 percent of Brewer’s campaign spending.

Similarly, Council Member Jackson relied heavily on public funds, which accounted for 64 percent of his campaign’s spending. “By relying on smaller contributions that bring in matching funds from the city [campaign] finance program,” said a campaign spokesman, “we are not only raising the money we need to win, but that support also translates directly to what we can do on the ground in terms of volunteers and active supporters.”⁸⁹

At the CFB’s post-election public hearing in February 2014, Brewer acknowledged that the Program helped her overcome what appeared to be a fundraising disadvantage. “Matching funds were a great equalizing element,” she said, adding that the public funds payments “were exceptionally appreciated in our case.”⁹⁰

The four candidates received endorsements from interest groups and elected officials reflecting the candidates’ professional experience and geographic home base, respectively.⁹¹ For instance, Menin, best known for her work as community board chair in Lower Manhattan after 9/11, received endorsements from the fire officers’ union and elected officials representing downtown areas.

SIGNIFICANT ENDORSEMENTS—DEMOCRATIC PRIMARY—MANHATTAN BOROUGH PRESIDENT	
Gale Brewer— Upper West Side	<i>The New York Times</i> , Citizens Union, DC 37, Gloria Steinem, NOW-NYC, Assemblyman Dick Gottfried, former Manhattan Borough President Ruth Messinger
Robert Jackson— Harlem, Upper Manhattan	UFT, former Mayor David Dinkins, U.S. Rep. Charles Rangel
Jessica Lappin— Upper East Side	32BJ SEIU, Building & Construction Trades Council, U.S. Rep. Carolyn Maloney, State Senator Liz Krueger
Julie Menin— Lower Manhattan	Uniformed Fire Officers’ Benevolent Association, Assembly Speaker Sheldon Silver, U.S. Rep. Nydia M. Velázquez, Assembly Member Deborah Glick

Independent spenders played a minimal role in this race. Robert Jackson benefitted the most from outside help, with over \$31,000 spent in support of his candidacy. Although the UFT endorsed Jackson, the union’s independent expenditure committee spent just \$14,000 to support his campaign.

Brewer won a resounding 16-point primary victory, collecting 39.7 percent of the vote.⁹² In explaining her victory, observers pointed out that four of the five Assembly districts in Manhattan with historically the

highest voter turnout either overlap Brewer’s Council district or border it.⁹³ Brewer won the majority of votes in all five of those Assembly districts on September 10.

Brewer went on to win the general election with 83 percent of the vote against Republican candidate David Casavis.⁹⁴ Brewer received \$72,641 in public financing for the general election, but returned the entire amount before Election Day.

Queens

CAMPAIGN SUMMARY—DEMOCRATIC PRIMARY—QUEENS BOROUGH PRESIDENT						
Candidate	Avg. Contribution Size [Individuals]	Private Funds	Public Funds	Expenditures	Votes	% Vote
Tony Avella	\$ 140	\$ 73,818	\$274,620	\$ 82,334	10,858	9.3
Everly Brown	\$ 49	\$ 1,701	\$ 0	\$ 423	14,328	12.2
Melinda Katz	\$574	\$ 854,043	\$675,678	\$1,380,935	52,459	44.8
Peter Vallone, Jr.	\$526	\$1,128,618	\$655,488	\$1,530,866	39,406	33.7

Private funds and expenditures in discussions of the primary election throughout this chapter include all transactions (including refunds) dated through September 10, 2013. Private funds includes contributions, transfers, and other receipts. Vote tallies and percentages calculated from Statement and Return Reports published by the Board of Elections in the City of New York. All data discussed reflects reporting by candidates as of February 13, 2014.

With incumbent Helen Marshall term-limited out of office, the election for Queens borough president was an open race for the first time in 12 years. Four candidates were listed on the Democratic primary ballot: State Senator Tony Avella; real estate developer and foreclosure consultant Everly Brown; former Council Member Melinda Katz; and Council Member Peter Vallone, Jr.

All candidates participated in the matching funds program and two candidates, Katz and Vallone, received payments. (Avella dropped out of the race, but too late to remove his name from the ballot; he returned the public funds paid to his campaign). Public funds accounted for 49 percent of Katz’s primary expenditures and 43 percent of Vallone’s.

Many of Vallone’s private contributions were raised prior to the 2009 election. He was one of five candidates who opted to “freeze” their 2009 campaign committee after the term limits extension was enacted in 2008. Those candidates were permitted to use those contributions to qualify for matching funds in the 2013 elections.⁹⁵

Katz received many major endorsements for the primary election, including those of the Queens Democratic Party, *The New York Times*, and 1199 SEIU.⁹⁶ Vallone received the *New York Post*’s endorsement and appeared to have a significant advantage in name recognition.⁹⁷ Vallone’s father, Peter Vallone, Sr., represented the Astoria neighborhood in the Council from 1974 to 2001 and served as City Council Speaker from 1986 to 2001.

In the end, Katz secured 45 percent of the vote — an 11-point victory.

In the general election, Katz swept to a decisive Election Day victory over Republican Aurelio Arcabascio, with 76 percent of the vote.

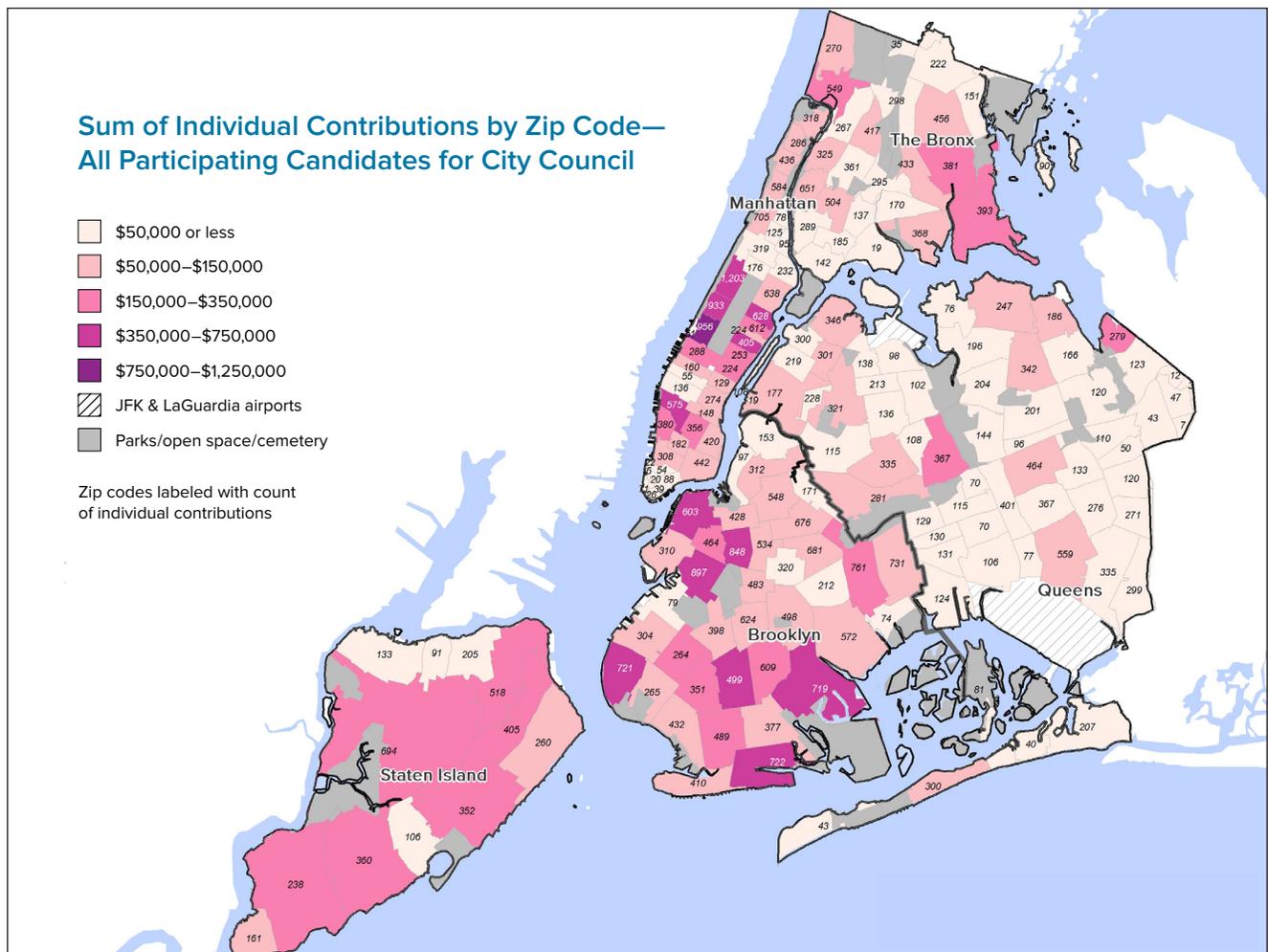
CITY COUNCIL

The City Council is New York City’s legislative branch, with 51 members each representing a separate district. It is responsible for adopting local laws, approving the city budget, deciding land use matters, and providing oversight of city agencies.

The 2013 City Council elections were the most competitive since 2001, when the term limits law first took effect. In 2013, a total of 21 City Council seats were open contests.

Participation in the Campaign Finance Program was high: 92 percent of City Council candidates on the primary ballot were Program participants. City Council candidates participating in the Program raised 65 percent of their private contributions via individual contributions from New York City residents living in every neighborhood in all five boroughs. [See map, “Sum of Individual Contributions by Zip Code — All Participating Candidates for City Council.”]

The CFB paid a total of \$11.3 million to 129 City Council candidates.



2013 LIMITS—CITY COUNCIL	
Contribution Limit	\$ 2,750
Doing Business Contribution Limit	\$ 250
Spending Limit (out-year)	\$ 45,000
Spending Limit (primary)	\$168,000
Spending Limit (general)	\$168,000
Maximum Public Funds	\$ 92,400
PUBLIC FUNDS THRESHOLD	
Dollar Amount	\$ 5,000
Number of Contributors	75

Outside groups spent an unprecedented \$6.3 million to support or oppose City Council candidates in 2013. Much of that spending was focused in districts with open seats.

One group is largely responsible for the surge of outside spending into Council races: Jobs for New York. Funded by the real estate industry, Jobs for New York alone accounted for 78 percent of the independent spending in City Council races. The group concentrated much of its spending on 16 open seats, spending an average of \$251,000 to support candidates in those races. In the six races where it supported an incumbent, the group spent an average of \$149,000. A number of candidates who benefitted from spending by Jobs for New York publicly denounced its support, disowned its attacks on their opponents, and questioned its effectiveness in their races.⁹⁸

Even as outside spending increased, the Campaign Finance Program provided the resources to help candidates run competitive campaigns without relying on the support of big-money contributors. The CFB paid candidates a total of \$8.6 million in races where independent groups spent \$10,000 or more, while those outside groups spent \$6.3 million. Some candidates who benefitted from very large independent expenditures still lost to candidates who relied on public matching funds and received little or no outside support.

Council District 5—Manhattan—Upper East Side

CAMPAIGN SUMMARY—DEMOCRATIC PRIMARY—COUNCIL DISTRICT 5						
Candidate	Avg. Contribution Size [Individuals]	Private Funds	Public Funds	Expenditures	Votes	% Vote
Ed Hartzog	\$177	\$ 56,911	\$83,400	\$132,479	2,429	14.8
Ben Kallos	\$140	\$ 86,843	\$92,400	\$172,409	7,513	45.9
Micah Kellner	\$225	\$157,116	\$92,400	\$156,006	6,420	39.2

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Three contenders in the Democratic primary vied to succeed Council Member Jessica Lappin: Edward Hartzog, a lawyer; Ben Kallos, the executive director of New Roosevelt, a good government advocacy group; and Micah Kellner, a New York State Assembly member. All three candidates participated in the Campaign Finance Program.

Kellner was the early frontrunner, having received endorsements from the departing Lappin, 32BJ SEIU, and the WFP. Kellner's lead disappeared in July when accusations of sexual harassment made by some of his Assembly employees became public.⁹⁹ Lappin and 32BJ SEIU quickly rescinded their endorsements, throwing their support behind Kallos.¹⁰⁰ In the following weeks, Kallos secured a number of high-profile endorsements, including *The New York Times*, the *New York Post*, U.S. Representative Carolyn Maloney, U.S. Senator Chuck Schumer, and DC 37.¹⁰¹

The scandal may have dampened independent spending in the race. Jobs for New York, which spent heavily in other Council races, reported a small, early expenditure (\$1,219) related to advertising its support for Kellner on its website, but spent no more after the allegations came to light.

All three candidates received public funds, with Kallos and Kellner each earning the maximum payment. At the CFB's post-election hearing, Kallos noted that participating in the matching funds program "meant I was able to say no to a lot of special-interest dollars... I turned to my staff and said, you guys want to put in the extra... fundraising time that this would require? And they said yes, and we did that."¹⁰²

Kallos won the primary with 46 percent of the vote, beating Kellner by nearly 1,100 votes.

CAMPAIGN SUMMARY—GENERAL ELECTION—COUNCIL DISTRICT 5

Candidate	Avg. Contribution Size [Individuals]	Private Funds	Public Funds	Expenditures	Votes	% Vote
David Garland	\$153	\$46,952	\$91,800	\$122,186	10,518	33.1
Ben Kallos	\$164	\$81,624	\$92,400	\$172,347	18,135	57.1
Micah Kellner	\$ 36	\$ 36	\$92,400	\$180,913	3,118	9.8

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Kallos faced Republican David Garland in the general election. They were joined on the ballot by Kellner, running on the WFP line.

Although the WFP had withdrawn support for Kellner before the primary election, the deadline for the party to remove his name from its ballot line had passed by the time the allegations surfaced.¹⁰³ The WFP sent an email urging members and supporters not to vote for Kellner, but to instead vote for Kallos on the Democratic Party line.¹⁰⁴ Kellner qualified for public funds payments based on private contributions totaling more than \$150,000, 96 percent of which were raised prior to July 1, 2013.

All three candidates qualified for significant public funds payments. Kallos won the race with 18,135 votes, or 57 percent.

Council District 6—Manhattan—Upper West Side

CAMPAIGN SUMMARY—DEMOCRATIC PRIMARY—COUNCIL DISTRICT 6

Candidate	Avg. Contribution Size [Individuals]	Private Funds	Public Funds	Expenditures	Votes	% Vote
Ken Biberaj	\$166	\$141,955	\$92,400	\$211,244	2,645	9.2
Debra Cooper	\$336	\$110,491	\$92,400	\$175,194	2,482	8.6
Noah Gotbaum	\$421	\$128,558	\$92,400	\$173,472	3,512	12.2
Marc Landis	\$264	\$132,397	\$92,400	\$202,214	5,566	19.4
Helen Rosenthal	\$152	\$196,147	\$92,400	\$195,613	7,716	26.8
Mel Wymore	\$357	\$135,758	\$92,400	\$202,473	6,440	22.4

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The Upper West Side’s District 6 seat was up for grabs as term-limited incumbent Gale Brewer ran for Manhattan borough president. The crowded Democratic primary field featured seven candidates, six of whom joined the Campaign Finance Program.

All six Program participants raised more than \$100,000 in private contributions, and all received maximum public funds payments. They were: Ken Biberaj, vice president of the Russian Tea Room; Debra Cooper, Democratic state committeewoman; Noah Gotbaum, vice president of Community Education Council District 3; Marc Landis, attorney and Democratic district leader; Helen Rosenthal, chair of ParentJobNet and former assistant director of the NYC Office of Management and Budget; and Mel Wymore, former chair of Manhattan Community Board 7. Aaron Braunstein, a boxing promoter, did not participate in the matching funds program and did not report any campaign finance activity to the CFB.¹⁰⁵

Helen Rosenthal, who ultimately won the election, collected more contributions than any other participating City Council candidate (1,278 contributions), and the highest number of small contributions (1,089 contributions). Eighty-five percent of Rosenthal’s contributors gave \$175 or less.

Outside spenders played a minimal role in the District 6 Council race, one of the few open seat elections to avoid the wave of independent spending. Landis secured a number of significant endorsements from unions and the WFP.¹⁰⁶ *The New York Times* endorsed Wymore.¹⁰⁷ Rosenthal’s notable backers included the National Organization for Women NYC, NYCLASS, and the Sierra Club.¹⁰⁸

On Primary Day, Rosenthal won a plurality of the vote, leading runner-up Wymore by four points and 1,200 votes. District 6 boasted the highest number of primary election votes cast of all New York City Council districts, with more than 28,000 votes cast.¹⁰⁹

Rosenthal went on to sweep the general election with 78 percent of the vote, besting Republican Harry DeMell, Thomas Siracuse of the Green Party, and Marc Landis, who appeared on the WFP line but did not campaign or seek public funds.¹¹⁰

Council District 15—Bronx—Fordham, Central Bronx

CAMPAIGN SUMMARY—DEMOCRATIC PRIMARY—COUNCIL DISTRICT 15						
Candidate	Avg. Contribution Size [Individuals]	Private Funds	Public Funds	Expenditures	Votes	% Vote
Albert Alvarez	\$ 80	\$ 24,589	\$92,400	\$ 81,951	690	9.0
Raquel Batista	\$ 85	\$ 38,042	\$89,940	\$ 98,262	569	7.4
Joel Bauza	\$239	\$ 28,686	NP	\$105,940	392	5.1
Joel Ray Rivera	\$131	\$ 40,327	\$62,525	\$ 53,361	1,641	21.4
Cynthia Thompkins	\$ 54	\$ 12,024	\$37,626	\$ 48,097	1,609	21.0
Ritchie Torres	\$149	\$107,092	\$92,400	\$163,377	2,771	36.1
<p>Private funds and expenditures in discussions of the primary election throughout this chapter include all transactions (including refunds) dated through September 10, 2013. Private funds includes contributions, transfers, and other receipts. Vote tallies and percentages calculated from Statement and Return Reports published by the Board of Elections in the City of New York. All data discussed reflects reporting by candidates as of February 13, 2014.</p> <p>“NP” indicated that the candidate opted not to participate in the matching funds program.</p>						

Six candidates ran in the District 15 Democratic primary election to replace term-limited incumbent Council Member Joel Rivera. The race included Albert Alvarez, chief of staff to the outgoing Rivera; Raquel Batista, attorney; Joel Bauza, senior pastor of Calvary Church; Joel Ray Rivera, a community relations staffer for then Comptroller John Liu; Cynthia Thompkins, a criminal defense attorney for the Legal Aid Society; and Ritchie Torres, housing director for Council Member James Vacca.

All candidates, except Bauza, joined the matching funds program, and all participants relied on public funds for more than half of their expenditures. Alvarez and Torres each earned the maximum payment. Torres raised significantly more than his opponents in private contributions, and spent \$60,000 more than his closest primary competitor.

Rivera’s advertisements drew significant attention during the race because they included honorifics suggesting he was an elected official—but did not show his picture. Press accounts speculated the ads were designed to trick voters into believing that a vote for Rivera was a vote for the (outgoing) incumbent.¹¹¹

Torres secured significant endorsements and support from elected officials and unions, including 1199 SEIU, 32BJ SEIU, Bronx Borough President Ruben Diaz, Jr., and the WFP.¹¹²

Torres also received heavy backing from a number of independent spenders. Jobs for New York spent more than \$267,000 supporting Torres and another \$111,000 opposing Rivera. Torres rejected the group’s support, however, saying, “I never asked for their support, never wanted their support, never sought their support.” In fact, Torres argued that the “generic mailings” sent by Jobs for New York “didn’t sway voters.”¹¹³

In addition, the UFT’s independent spending arm, United for the Future, and the Empire State 32BJ SEIU PAC spent a combined total of \$38,000 to support Torres’ campaign.

Torres won a commanding plurality of the primary vote, 15 points higher than his closest challenger.

Torres went on to win 91 percent of the general election vote, defeating Rivera and Bauza who were running on the Republican and Conservative Party lines, respectively.¹¹⁴

Council District 19—Queens—Auburndale, Bayside, College Point, Douglaston, Little Neck, Whitestone

CAMPAIGN SUMMARY—DEMOCRATIC PRIMARY—COUNCIL DISTRICT 19						
Candidate	Avg. Contribution Size [Individuals]	Private Funds	Public Funds	Expenditures	Votes	% Vote
John Duane	\$268	\$ 82,195	\$92,400	\$129,491	1,164	12.4
Paul Graziano	\$148	\$ 23,835	\$92,400	\$111,532	1,602	17.1
Austin Shafran	\$155	\$103,797	\$92,400	\$166,807	2,728	29.1
Paul Vallone	\$370	\$101,345	\$92,400	\$164,690	2,922	31.2
Chrissy Voskerichian	\$ 74	\$ 23,233	\$92,400	\$101,589	963	10.3

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The stakes for the Democratic primary in District 19 increased significantly when first-term Council Member Daniel Halloran, one of only four Republicans in the Council, was indicted in April 2013 for his alleged role in a bribery scandal.¹¹⁵ Halloran announced in May that he would not run for re-election.¹¹⁶

All five candidates in the Democratic primary participated in the public funds program, and received the maximum amount of public funds. Two candidates, Vallone and Shafran, raised and spent significantly more than the others.

A member of the Vallone family has been serving in the City Council since 1974, and Paul Vallone, who was making his second run for the seat, entered the race with a considerable advantage in name recognition.¹¹⁷ Shafran, a former political consultant and spokesperson for the New York State Senate Democratic Conference, could rely on strong ties to unions and other potential institutional supporters.

Independent spending had a heavy presence in the Council District 19 race; over \$446,000 was spent by outside groups. Jobs for NY spent more than \$320,000 in support of Vallone, the highest amount for any City Council candidate during the 2013 elections.¹¹⁸



Some of the independent expenditures in this race were highly controversial. One notable mailer, paid for by Jobs for New York, included a picture of a memorial to victims of the tragic massacre at Sandy Hook Elementary School in Newtown, CT.¹¹⁹

Shafran was endorsed by the UFT and WFP. The UFT-backed independent expenditure committee United for the Future and Empire State 32BJ SEIU PAC spent a total of more than \$50,000 in support of Shafran. Jobs for New York countered that support by spending \$45,000 on negative mailers targeting Shafran and some of the other candidates in the race, including Paul Graziano, an urban planning consultant and advocate; and Chrissy Voskerichian, the Community Council President for NYPD's 109th Precinct.¹²⁰ Voskerichian also served as Council Member Halloran's chief of staff.¹²¹

The result was too close to call on primary night, with just 144 votes separating Vallone and Shafran. The voting machines were re-canvassed and more than 1,000 paper ballots manually counted. It wasn't until seven days after the primary that Shafran conceded the race. In the final tally, Vallone won by a mere 194 votes.¹²²

After a tough primary election, Vallone went on to face attorney Dennis Saffran. Notably, former Mayor Rudy Giuliani and Council Member Halloran crossed party lines to endorse Vallone.¹²³ Though the district was previously represented by a Republican, the Democrat Vallone was elected with 55.9 percent of the vote.¹²⁴

Council District 27—Queens—St. Albans, Hollis, Cambria Heights, Queens Village

CAMPAIGN SUMMARY—DEMOCRATIC PRIMARY—COUNCIL DISTRICT 27						
Candidate	Avg. Contribution Size [Individuals]	Private Funds	Public Funds	Expenditures	Votes	% Vote
Manuel Caughman	\$ 72	\$ 39,668	\$92,400	\$115,811	2,898	17.7
Joan Flowers	\$257	\$181,291	NP	\$176,667	3,463	21.2
Greg Mays	\$ 59	\$ 15,055	\$55,800	\$ 57,458	1,845	11.3
I. Daneek Miller	\$120	\$ 90,283	\$87,420	\$169,118	3,982	24.4
Sondra Peeden	\$108	\$ 7,608	NP	\$ 6,689	644	3.9
Clyde Vanel	\$ 36	\$ 11,110	\$48,420	\$ 52,755	3,521	21.5

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Includes funds Flowers provided to her own campaign totaling more than \$150,000. “NP” indicated that the candidate opted not to participate in the matching funds program.

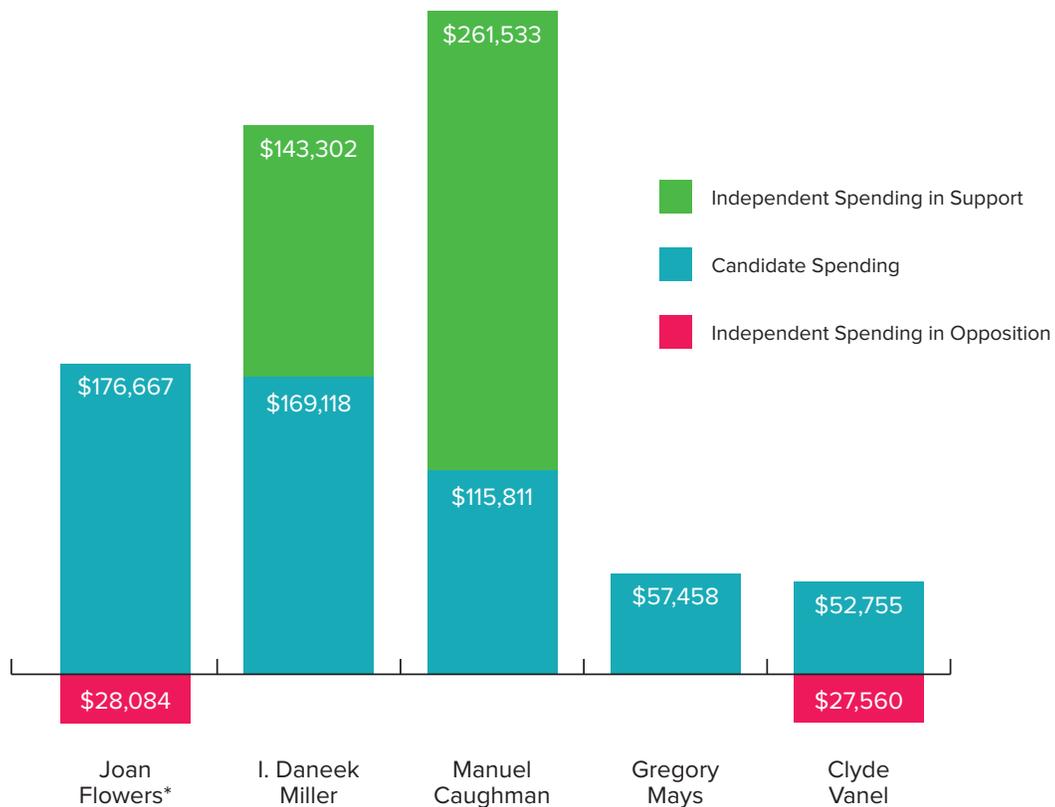
The District 27 race to replace term-limited incumbent Leroy Comrie, Jr. drew six candidates to the Democratic primary: I. Daneek Miller, president of Amalgamated Transit Union Local 1056; Clyde Vanel, an attorney who ran for the seat in 2009; Joan Flowers, an attorney and aide to U.S. Congressman Gregory Meeks, State Senator Malcolm Smith, and former Governor David Paterson; Manuel Caughman, U.S. Air Force veteran and a retired community liaison for State Assembly Member William Scarborough; Greg Mays, executive director of non-profit A Better Jamaica, Inc.; and Sondra Peeden, a consultant who previously worked for former City Council Members David Weprin and Thomas White, Jr.¹²⁵

Outgoing incumbent Leroy Comrie backed Miller.¹²⁶ Miller also received the endorsements of the UFT, 1199 SEIU, HTC, and the AFL-CIO.¹²⁷ Vanel received the endorsement of Citizens Union, while Flowers was endorsed by her former boss, Governor Paterson.¹²⁸ Caughman had the support of the Queens Democratic Party, U.S. Congressman Joseph Crowley, and Assembly Member Scarborough, whose district includes parts of Council District 27.¹²⁹

Caughman, Mays, Miller, and Vanel participated in the Program and all received public funds. Only Caughman received the maximum of \$92,400. Flowers, a non-participant, spent \$150,000 of her own money to fund her campaign.

Outside groups spent heavily, with a total of \$460,479 of independent expenditures to influence the outcome of the race. Jobs for New York spent \$261,533 in support of Caughman — more than twice Caughman’s own campaign expenditures, and nearly \$100,000 more than the Program’s spending limits for Council candidates.¹³⁰ Jobs for New York also opposed Flowers and Vanel, spending more than \$27,000 against each. The group did not spend any money, however, to oppose the eventual winner Miller. Three outside spenders with ties to unions spent a total of \$143,302 in support of Miller.¹³¹

Independent and Candidate Spending—Council District 27 Top 5 Democratic Primary Candidates by Candidate Spending



* non-participant

Reported primary spending through September 10, 2013. Candidate data as of January 11, 2014; Independent spender data as of November 28, 2013.

Miller won a narrow plurality, 24 percent. Despite the significant independent support he received, Caughman finished fourth with 18 percent.

Miller won 97 percent of the general election vote, defeating Peeden, who ran on the Independence Party line.

Council District 36—Brooklyn—Crown Heights, Bedford-Stuyvesant

CAMPAIGN SUMMARY—DEMOCRATIC PRIMARY—COUNCIL DISTRICT 36						
Candidate	Avg. Contribution Size [Individuals]	Private Funds	Public Funds	Expenditures	Votes	% Vote
Robert Cornegy, Jr.	\$ 93	\$61,111	\$92,400	\$144,947	4,370	29.9
Kirsten John Foy	\$118	\$68,291	\$92,390	\$163,242	4,302	29.4
Reginald Swiney	\$ 87	\$ 1,486	\$ 0	\$ 4,022	674	4.6
Conrad Tillard	\$107	\$25,361	\$45,429	\$ 59,262	1,912	13.1
Robert Waterman	\$ 83	\$49,537	\$92,400	\$133,117	3,149	21.60

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In District 36, encompassing the neighborhoods of Bedford Stuyvesant and Northern Crown Heights, five candidates ran to succeed term-limited incumbent Albert Vann.

Two candidates quickly emerged as frontrunners in the Democratic primary: Robert E. Cornegy, Jr. and Kirsten John Foy. Cornegy, pastor of the Mount Calvary Baptist Church and president of the Vanguard Independent Democratic Club, received the support of outgoing Council Member Vann and State Senator Velmanette Montgomery.¹³² Cornegy had challenged Vann unsuccessfully for the seat in 2009.¹³³ Foy, a former aide to Public Advocate Bill de Blasio and a program director at the National Action Network, garnered endorsements from the City Council's Progressive Caucus and the WFP.¹³⁴ Other candidates included Reginald Swiney, a business owner in the district; Conrad Tillard, a senior pastor at the Nazarene Congregational Church; and Robert Waterman, a pastor at Antioch Baptist Church.¹³⁵

Independent spenders pumped more than \$400,000 into the race, mostly in support of Foy's campaign. Jobs for New York spent \$274,852 backing Foy, and another \$73,000 on communications opposing Cornegy, Waterman and Tillard.¹³⁶ Cornegy received \$30,000 in outside support, mostly from the Small Business Coalition.

Another group, City Action Coalition PAC, spent \$22,761 supporting Kirsten Foy. Notably, the Advance Group worked on a pro-Foy mailer for the group, receiving \$7,000 for its work. At the same time, the Advance Group was also working as the main consultant to the Waterman campaign, which paid more than \$60,000 for the firm's services.¹³⁷

When the polls closed on Primary Day, the contest between Cornegy and Foy was too close to call, with Cornegy holding a slim advantage in the preliminary vote count. Foy remained hopeful a recount would swing the election in his favor, citing a number of reported issues at poll sites. For example, Foy claimed that his and his wife's ballots had been lost twice by election officials.¹³⁸ After a recount lasting 17 days, the New York City Board of Elections declared Cornegy the winner by a margin of 68 votes.¹³⁹

In the general election, Cornegy won with 87 percent of the vote, defeating Republican Veronica Thompson and Foy, whose name appeared on the ballot under the WFP line. (Foy did not campaign or seek public funds for the general election.)

Council District 38—Brooklyn—Red Hook, Sunset Park

CAMPAIGN SUMMARY—DEMOCRATIC PRIMARY—COUNCIL DISTRICT 38						
Candidate	Avg. Contribution Size [Individuals]	Private Funds	Public Funds	Expenditures	Votes	% Vote
Sara Gonzalez	\$207	\$130,021	\$92,400	\$153,643	3,017	41.2
Carlos Menchaca	\$132	\$ 88,491	\$92,400	\$158,241	4,306	58.8

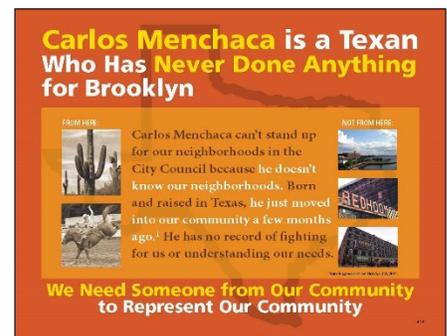
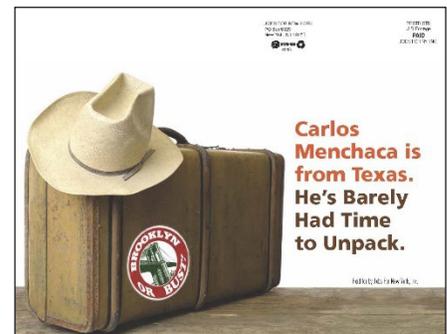
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During the 2013 election, Sara Gonzalez, the incumbent representing Red Hook, Greenwood Heights, and Sunset Park since 2001, faced a tough bid for reelection against newcomer Carlos Menchaca. Despite support from City Council Speaker Christine Quinn, Gonzalez was hit with continued criticism of her poor attendance record at Council hearings and her perceived lackluster response to Hurricane Sandy.¹⁴⁰ An LGBT activist and former staffer at the Brooklyn borough president’s office, Menchaca highlighted support from a wide range of constituencies and his volunteer work in Red Hook during the rescue and cleanup following the hurricane.¹⁴¹

The 38th District Democratic primary saw more independent expenditures than any other Council race, with outside groups investing \$548,740 in independent expenditures. Much of the spending, \$349,663, went towards supporting Gonzalez in the form of mailers and internet ads from Jobs for New York, the City Action Coalition PAC, and the Small Business Coalition. Jobs for New York spent an additional \$56,197 on mailings attacking Menchaca.

Some of the mail pieces sent by Jobs for New York appeared to highlight Menchaca’s Mexican heritage, and they received considerable press attention. Speaking to WNYC, Menchaca said that the mailers were upsetting to voters: “They show me these ads and... they’re sick by it.”¹⁴²

Despite Gonzalez’s monetary advantages, Menchaca landed a number of significant endorsements, including those from the City Council’s Progressive Caucus, 32BJ SEIU, and 1199 SEIU.¹⁴³ Independent expenditures totaling \$110,932 from labor-funded PACs and the Progressive Brooklyn PAC supported Menchaca. The Pro-



gressive Brooklyn PAC spent a total of \$32,598 charging Gonzalez with being “missing in action” in Sandy’s aftermath.

On Primary Day, Menchaca won with 59 percent of the vote. In the general election, Menchaca won 90 percent of the vote, defeating Conservative Party candidate Henry Lallave to become the first Mexican-American elected to the City Council.

Council District 48—Brooklyn—Brighton Beach, Manhattan Beach, Midwood, Sheepshead Bay

CAMPAIGN SUMMARY—DEMOCRATIC PRIMARY—COUNCIL DISTRICT 48						
Candidate	Avg. Contribution Size [Individuals]	Private Funds	Public Funds	Expenditures	Votes	% Vote
Natraj Bhushan	\$ 69	\$ 5,445	\$ 0	\$ 4,672	240	2.5
Chaim Deutsch	\$296	\$ 78,824	\$92,400	\$172,178	3,317	34.8
Ari Kagan	\$232	\$ 84,590	\$92,400	\$136,251	2,912	30.5
Igor Oberman	\$380	\$116,501	\$92,400	\$148,031	1,338	14.0
Theresa Scavo	\$308	\$ 98,552	\$91,650	\$ 68,728	1,735	18.2

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Term-limited Council Member Michael Nelson’s district lines were significantly redrawn during the 2013 redistricting process, resulting in fears from the Orthodox Jewish community that the 48th would become a primarily Russian-American district. This set the stage for a heated primary Council race.¹⁴⁴

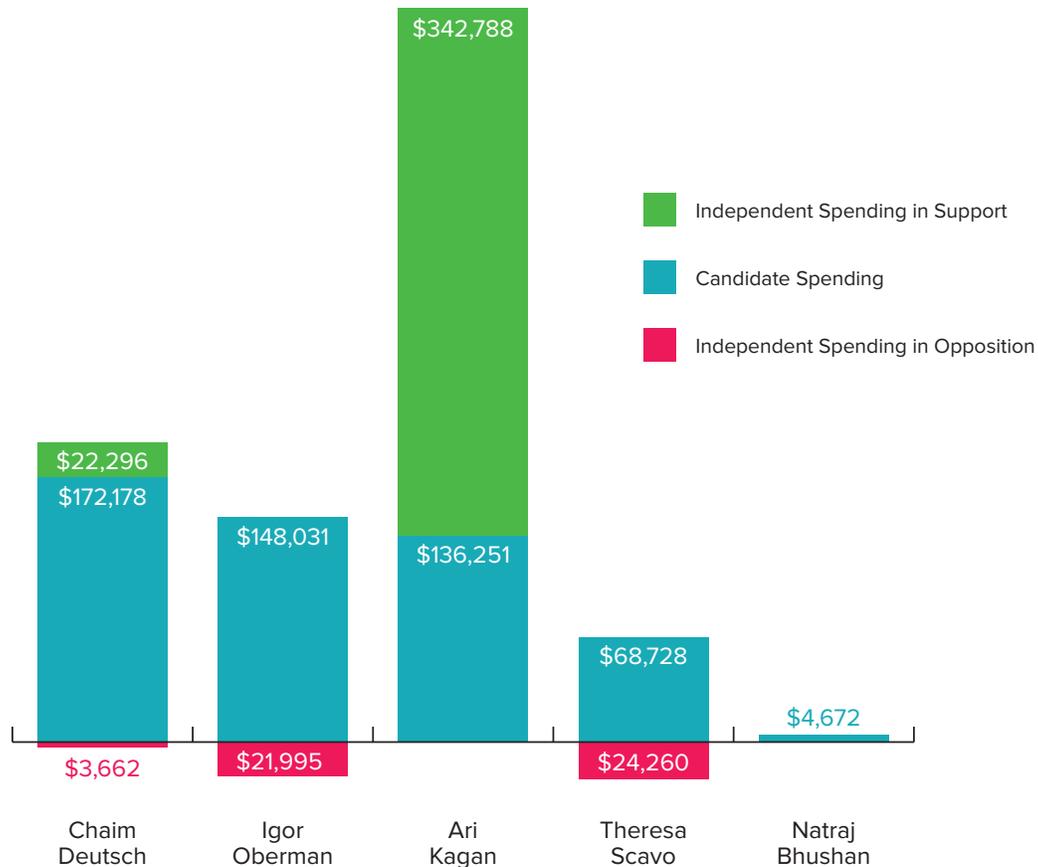
Vying for the empty seat were litigator Natraj Bhushan; real estate management company president and Nelson aide Chaim Deutsch; journalist Ari Kagan; administrative law judge Igor Oberman; and Community Board 15 Member Theresa Scavo.¹⁴⁵

Kagan appeared to separate himself from the pack by receiving endorsements from powerful unions including the UFT, 1199 SEIU, and DC 37, nearly a dozen former and current elected officials, and Citizens Union.¹⁴⁶

Independent spending also factored into the race, as Jobs for New York spent \$284,015 supporting Kagan’s campaign, as well as \$46,000 opposing the campaigns of Oberman and Scavo.

Notably, Jobs for New York spent just \$3,700 opposing Deutsch, while City Action Coalition spent more than \$22,000 supporting his candidacy.¹⁴⁷

Independent and Candidate Spending—Council District 48 Democratic Primary Candidates by Candidate Spending



Reported primary spending through September 10, 2013. Candidate data as of January 11, 2014; Independent spender data as of November 28, 2013.

Oberman won endorsements from the WFP, New York Communities for Change, and the Council’s Progressive Caucus.¹⁴⁸ Receiving an endorsement from the Brooklyn/Queens chapter of the National Organization for Women, Scavo stood out as the only female candidate in this race.¹⁴⁹ Deutsch, the last candidate to officially join the race, received the endorsements of his outgoing boss Council Member Nelson, Assembly Member Rhoda Jacobs, the Patrolmen’s Benevolent Association, and the Detectives Endowment Association.¹⁵⁰

All of the candidates participated in the Program. Bhushan did not satisfy the fundraising threshold to be eligible, but all of the other candidates received a significant public matching funds payment.

Despite the sizable influx of outside spending, Deutsch won 35 percent of the vote, with roughly 400 more votes than runner-up Kagan. It wasn't until nearly two weeks after the election that Kagan conceded, after the Board of Elections certified the final numbers.¹⁵¹

CAMPAIGN SUMMARY—GENERAL ELECTION—COUNCIL DISTRICT 48						
Candidate	Avg. Contribution Size [Individuals]	Private Funds	Public Funds	Expenditures	Votes	% Vote
Gregory Davidzon	\$1,500	\$ 3,000	NP	\$ 12,485	1,424	6.9
Chaim Deutsch	\$ 601	\$69,155	\$92,400	\$159,669	10,169	50.0
Alexander Lotovsky	\$ 113	\$ 113	NP	\$ 263	147	0.7
Igor Oberman	\$ 99	\$ 100	\$21,101	\$ 74,875	913	4.5
David Storobin	\$ 322	\$73,301	\$92,400	\$169,232	7,608	37.5

Private funds and expenditures in discussions of the general election throughout this chapter include all transactions (including refunds) dated through September 11, 2013–January 11, 2014. Private funds includes contributions, transfers, and other receipts. Vote tallies and percentages calculated from Statement and Return Reports published by the Board of Elections in the City of New York. All data discussed reflects reporting by candidates as of February 13, 2014.

“NP” indicated that the candidate opted not to participate in the matching funds program.

Deutsch faced three opponents on the general election ballot: Oberman, who continued his campaign on the WFP line; architect and construction consultant Alexander Lotovsky; and former State Senator David Storobin.¹⁵²

Less than three weeks before the general election race, Gregory Davidzon, owner of a Russian-language radio station and magazine, launched a write-in campaign by announcing his candidacy on his radio station.¹⁵³ Local news reports speculated that Davidzon's last-minute decision was designed to draw votes from Russian-born Storobin, particularly in light of previous clashes between the two men.¹⁵⁴

Deutsch went on to win the general election with 50 percent of the vote, a 13-point margin over Storobin. Davidzon, who finished third, drew 1,424 votes as a write-in candidate. Storobin blamed his loss on low voter turnout among the Russian community in the district.¹⁵⁵

Council District 50—Staten Island—Mid-Island

CAMPAIGN SUMMARY—REPUBLICAN PRIMARY—COUNCIL DISTRICT 50						
Candidate	Avg. Contribution Size [Individuals]	Private Funds	Public Funds	Expenditures	Votes	% Vote
Lisa Giovinazzo	\$232	\$ 64,580	\$92,400	\$141,510	2,504	44.8
Steven Matteo	\$217	\$124,568	\$92,400	\$149,279	3,083	55.2

Private funds and expenditures in discussions of the primary election throughout this chapter include all transactions (including refunds) dated through September 10, 2013. Private funds includes contributions, transfers, and other receipts. Vote tallies and percentages calculated from Statement and Return Reports published by the Board of Elections in the City of New York. All data discussed reflects reporting by candidates as of February 13, 2014.

With incumbent City Council Member James Oddo unable to run in 2013 due to term limits (Oddo ran successfully for Staten Island borough president) the open-seat race in District 50 led to the only contested Republican City Council primary of the 2013 elections. Steven Matteo, Oddo's chief of staff, faced Lisa Giovinazzo, a former NY1 News anchor, former staff member for former Staten Island Borough President Guy Molinari, and lawyer and director of the Staten Island Divorce and Mediation Center.¹⁵⁶ Giovinazzo previously ran for City Council in 2003.¹⁵⁷

Both candidates received backing from Republican elected officials in Staten Island. Matteo was endorsed by Oddo, Assembly Members Nicole Malliotakis and Joseph Borelli, and Council Member Vincent Ignizio.¹⁵⁸ Giovinazzo received endorsements from her former boss, Molinari, as well as U.S. Congressman Michael Grimm.¹⁵⁹ Matteo picked up additional endorsements from the UFT and Citizens Union.¹⁶⁰

Both Giovinazzo and Matteo participated in the Program and both received the maximum of \$92,400 in public funds for their elections. Matteo, however, outraised Giovinazzo in private contributions almost 2-to-1.

Jobs for New York spent \$137,654 in support of Matteo and an additional \$34,219 opposing Giovinazzo. Additional spending in support of Matteo came from the Small Business Coalition (\$8,784) and United for the Future (\$1,687).

On Primary Day, Matteo won a commanding 55 percent of the votes cast.

In the general election, Matteo ran on the Republican, Conservative, and Independence Party lines and won handily with 64 percent of the vote. His opponent, John Mancuso, a consultant and former chief of staff to Council Member Vincent Gentile, ran on the Democratic and WFP lines and received 36 percent of the votes cast.

THE PROGRAM AT WORK: PARTICIPATION—COMPETITION—TRANSPARENCY

The City’s Campaign Finance Act enhances the role that New York City residents play in the political process, helping ensure that voters, not large contributions or outside special interests, decide the outcome of our elections. The public matching funds amplify the voices of New Yorkers who make small contributions to candidates. Those funds and the CFB’s tough, but fair enforcement gives more candidates confidence that they will have a fair shot on Election Day.

The Program provides transparency to assure the public that the system works. The CFB’s disclosure tools provide voters ample information before the election about how candidates raise and spend their money.

This section provides a broader view of how the Program has helped increase New Yorkers’ participation in city elections, fostered greater competition, and provided crucial transparency to the public.

Small Contributions, New Contributors

Small contributions provide the foundation for New York City campaigns. For the 2013 elections, more than two-thirds of all New York City resident contributors to candidates gave \$175 or less. New York City contributors giving \$175 or less accounted for 10.5 percent of the total amount contributed to participating candidates.

The public funds threshold provides a strong incentive for candidates to seek supporters within the area they hope to represent to fund their campaigns. This incentive helps ensure that more New Yorkers, beyond the usual political donors, are investing in the political process as contributors.

In the 2013 elections, candidates continued to bring many small and first-time contributors into the process. More than half of New York City contributors were making a contribution for the first time and the vast majority of those people made small contributions.

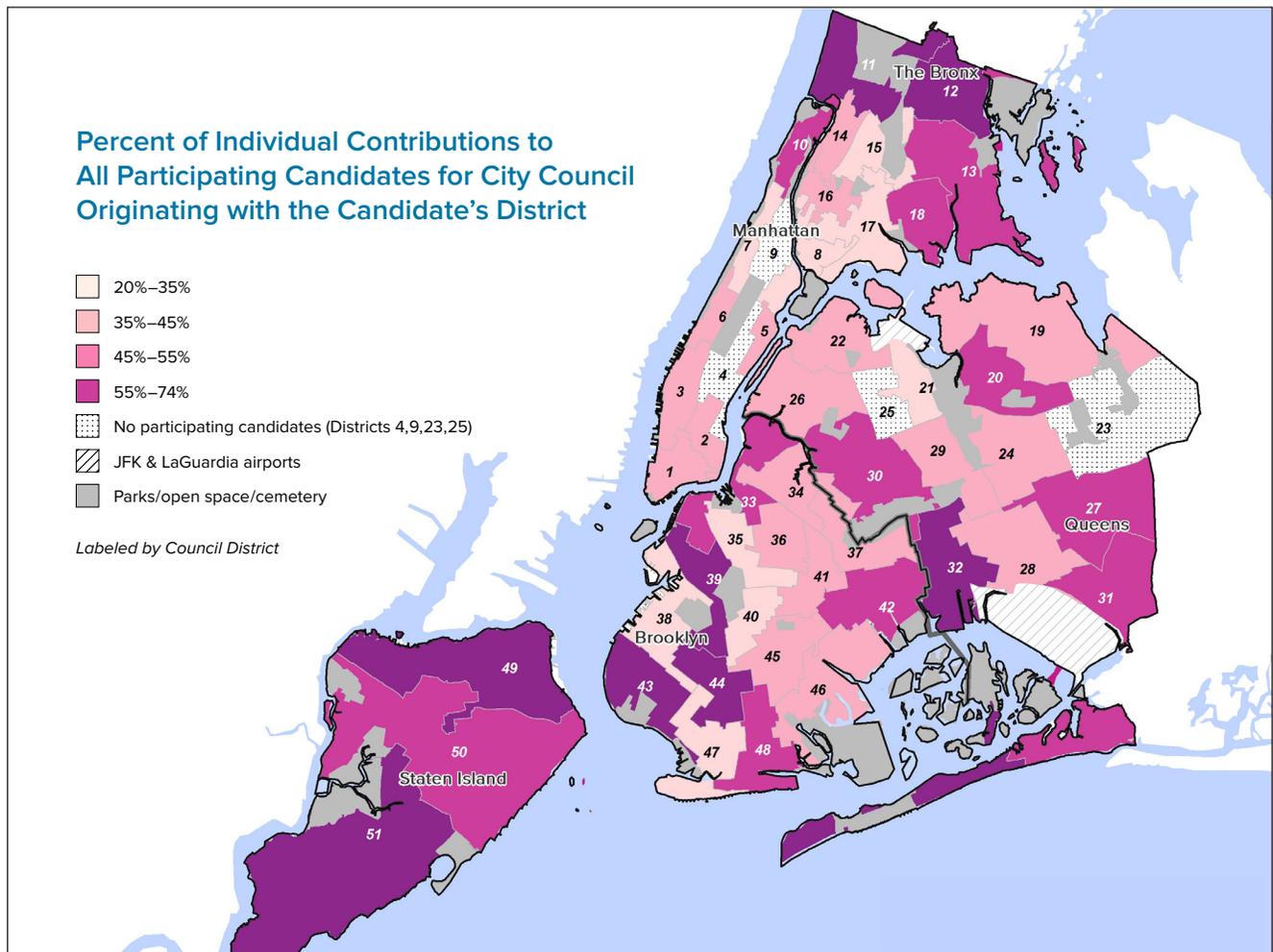
FIRST-TIME CONTRIBUTORS BY ELECTION CYCLE		
Election Cycle	First-Time Contributors	% Who Gave \$175 or Less
2005	28,170	68.7
2009	33,900	83.0
2013	44,540	76.0

Estimated based on aggregation of contributor names. New York City contributors only.

Contributions from Around the City

By matching contributions from city residents, the Program encourages candidates to engage voters from all five boroughs to fund their campaigns. While Manhattan residents contribute in the greatest numbers and the greatest amounts, candidates do not concentrate their fundraising efforts solely on wealthy areas.

A significant number of contributions to City Council candidates in the Program were raised from within the candidates' district. In eight districts (11, 12, 32, 39, 43, 44, 49, 51), more than half of the contributions collected by candidates came from within the district. [See map, Percent of Individual Contributions to All Participating Candidates for City Council Originating with the Candidate's District.]



INDIVIDUAL CONTRIBUTIONS, TOP 10 ZIP CODES BY AMOUNT TO ALL PARTICIPATING CANDIDATES

	Zip Code	Contributions	Neighborhood
1	10021	\$2,330,366	Upper East Side
2	10023	\$1,647,676	Upper West Side
3	10024	\$1,644,357	Upper West Side
4	10028	\$1,497,734	Upper East Side
5	10128	\$1,398,739	Upper East Side
6	10011	\$1,191,632	Chelsea
7	10065	\$1,188,021	Upper East Side
8	11201	\$1,142,918	Brooklyn Heights
9	10022	\$1,056,571	Sutton Place
10	10013	\$ 897,697	Tribeca

INDIVIDUAL CONTRIBUTIONS TO PARTICIPATING CANDIDATES, BY OFFICE

Office	Total Individual Contributions	Average Individual Contribution Size	Most Frequent Individual Contribution
Mayor	\$35,436,621	\$579	\$100
Public Advocate	\$ 4,564,349	\$272	\$ 50
Comptroller	\$ 3,365,870	\$527	\$ 50
Borough President	\$ 6,621,376	\$294	\$100
City Council	\$ 8,299,201	\$132	\$100

INDIVIDUAL CONTRIBUTIONS TO PARTICIPATING CANDIDATES, BY BOROUGH		
Borough	Total Contributions	Number of Contributors
Manhattan	\$21,662,259	39,898
Brooklyn	\$ 8,780,578	31,287
Queens	\$ 5,290,050	20,278
Staten Island	\$ 1,618,618	6,232
Bronx	\$ 1,474,590	9,358
Out of city	\$19,461,222	25,806

INDIVIDUAL CONTRIBUTIONS TO PARTICIPATING CITYWIDE CANDIDATES, BY BOROUGH		
Borough	Total Contributions	Number of Contributors
Manhattan	\$17,008,455	22,164
Brooklyn	\$ 6,107,181	13,532
Queens	\$ 3,330,537	7,758
Staten Island	\$ 740,742	2,119
Bronx	\$ 529,528	1,826
Out of city	\$15,650,277	16,465

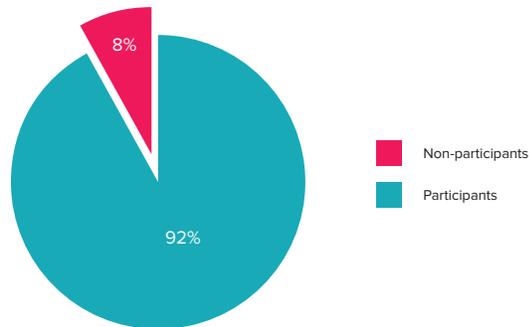
INDIVIDUAL CONTRIBUTIONS TO PARTICIPATING CITY COUNCIL CANDIDATES, BY BOROUGH		
Borough	Total Contributions	Number of Contributors
Manhattan	\$2,163,674	11,557
Brooklyn	\$2,077,581	15,004
Queens	\$1,110,882	9,521
Staten Island	\$ 521,868	6,486
Bronx	\$ 654,301	2,878
Out of city	\$1,170,896	6,507

Program Participation

Candidates continued to participate in the Program at the same high levels set during the three preceding elections.

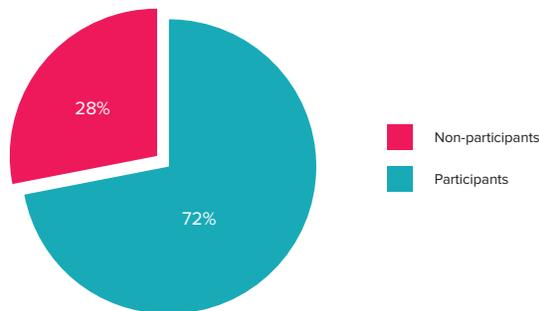
Ninety-two percent of all candidates on the ballot for the primary elections were Program participants. Of 168 candidates on the ballot, only 13 opted not to join the Program. In 2009, the participation rate in the primaries was 93 percent.

Participants v. Non-Participants



As typically happens in a general election, the participation rate dropped to 72 percent. In 2009, the general election participation rate was 66 percent.

Participants v. Non-Participants



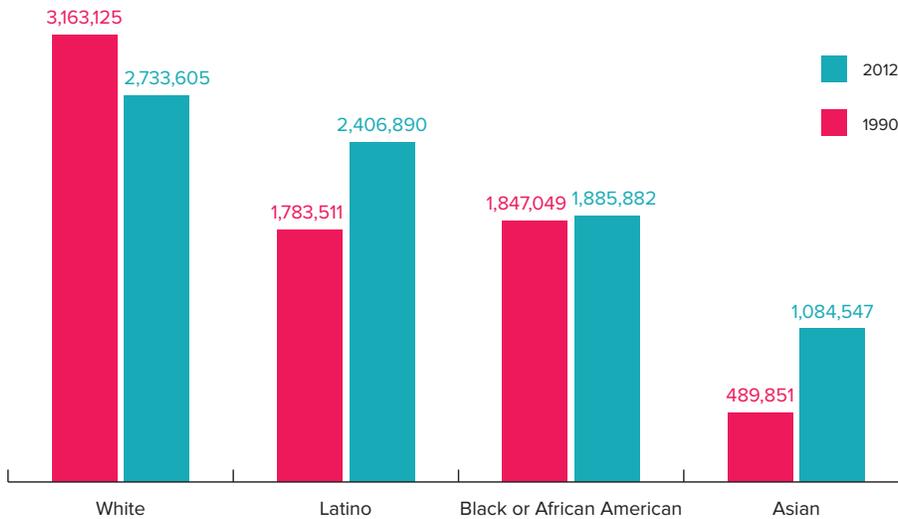
**CAMPAIGN FINANCE PROGRAM PARTICIPATION IN
CITYWIDE PRIMARY AND GENERAL ELECTIONS, 1997–2013**

Year	Office	PRIMARY ELECTIONS			GENERAL ELECTIONS			participants elected to office
		participants on ballot	candidates on ballot	%	participants on ballot	candidates on ballot	%	
2001	Mayor	7	9	78	6	9	67	0
	Public Advocate	7	7	100	3	6	50	1
	Comptroller	2	2	100	2	6	33	1
	Borough President	11	12	92	15	22	68	5
	City Council	187	201	93	133	182	73	47
	Total	214	231	93	159	225	71	54
2005	Mayor	4	6	67	2	8	25	0
	Public Advocate	5	6	83	2	4	50	1
	Comptroller	0	0	0	1	4	25	1
	Borough President	9	9	100	10	15	67	5
	City Council	75	86	87	78	105	74	46
	Total	93	107	87	93	136	68	53
2009	Mayor	2	3	67	3	8	38	0
	Public Advocate	5	5	100	2	5	40	1
	Comptroller	4	4	100	3	5	60	1
	Borough President	3	3	100	10	13	77	5
	City Council	127	137	93	82	120	68	49
	Total	141	152	93	100	151	66	56
2013	Mayor	9	12	75	5	12	42	1
	Public Advocate	5	5	100	1	7	14	1
	Comptroller	1	2	50	2	5	40	1
	Borough President	10	10	100	10	12	83	5
	City Council	131	140	94	88	111	79	46
	Total	156	169	92	106	147	72	54

Demographics

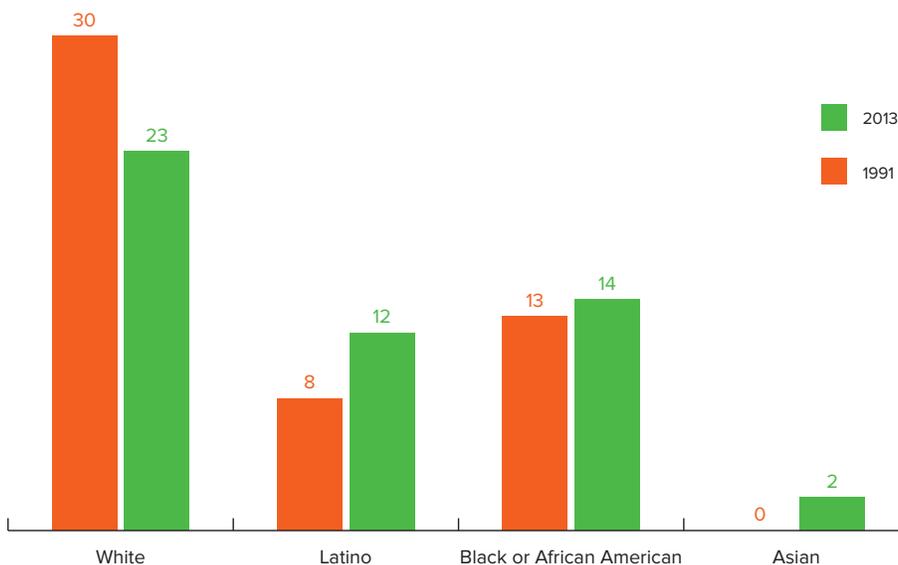
Since its inception in 1988, the Campaign Finance Program has set the conditions for City Council representation that reflects the demographic diversity of the city. The 2013 elections ushered in some new milestones with the election of the first African-American woman to citywide office and the first Mexican-American elected to the City Council.

Demographic Breakdown of New York City Population, 1990 and 2012



Source: Data from 1990 US Census and 2012 estimates from American Community Survey via NYC Dept. of City Planning

Demographic Breakdown of New York City Council, 1991 and 2013



Fostering Competition

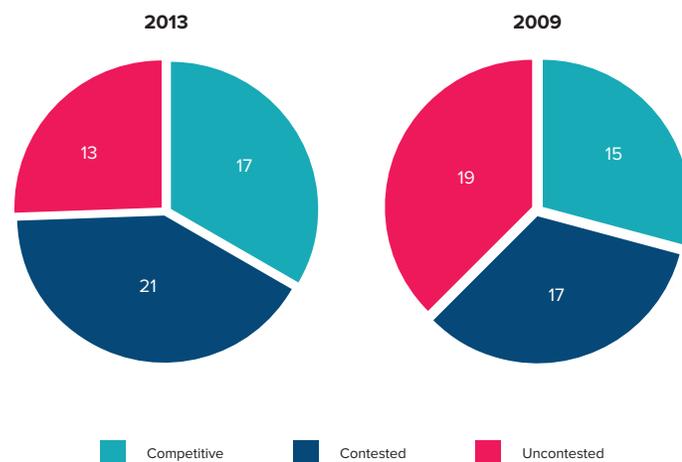
The public matching funds program allows more candidates in more districts to run competitive campaigns for elected office.

Incumbent candidates receive considerable natural advantages in any race, but public funds help ensure that more incumbents face challengers, and must answer to their constituents to retain their position.

Public funds do not ensure success on Election Day. However, public funding helps keep the focus on candidates' experience, ability, quality, and positions on important issues, not on their fundraising acumen. The voters, not money, ultimately decide a contest between participating candidates.

The 2013 elections were the most competitive in New York City since 2001. Candidates fiercely contested primary races for open seats in all three citywide offices. In the City Council, there were more contested races and more competitive contests than 2009.

City Council Districts with Contested and Competitive Primary Elections



Only Democratic City Council primaries shown. Contested elections have at least two candidates on the ballot; competitive elections are races where the winner received less than 50 percent of the vote.

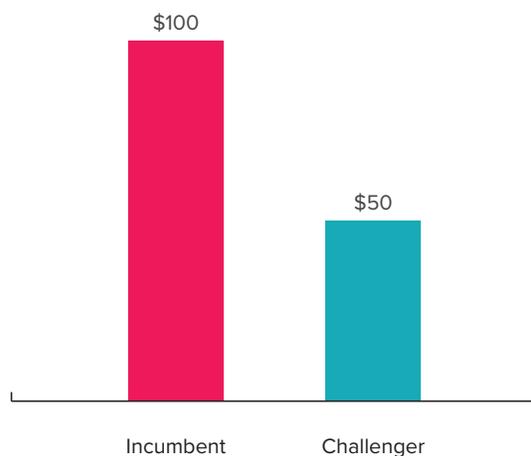
In the 2013 primary, 38 of 51 City Council districts — 75 percent — had contested or competitive Democratic primary races, six more than in 2009. By contrast, only 30 percent of the state Assembly and Senate seats in New York City had a contested Democratic primary in 2012.

Public Funds

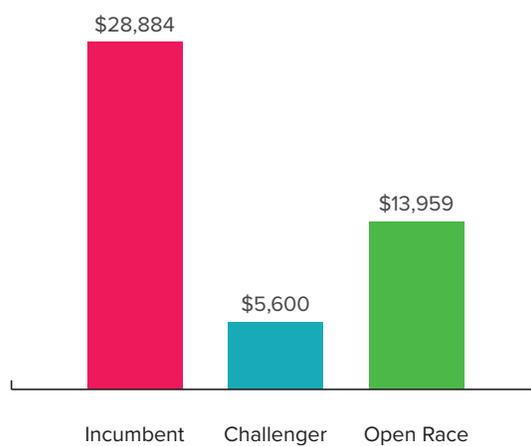
Traditionally, incumbents are able to attract more and larger contributions than challengers. Many have ties to institutional supporters.

Candidates running for open seats or challenging an incumbent use public funding to finance a larger portion of their campaigns, suggesting that the public funds help challengers make up the fundraising differences with their opponents.

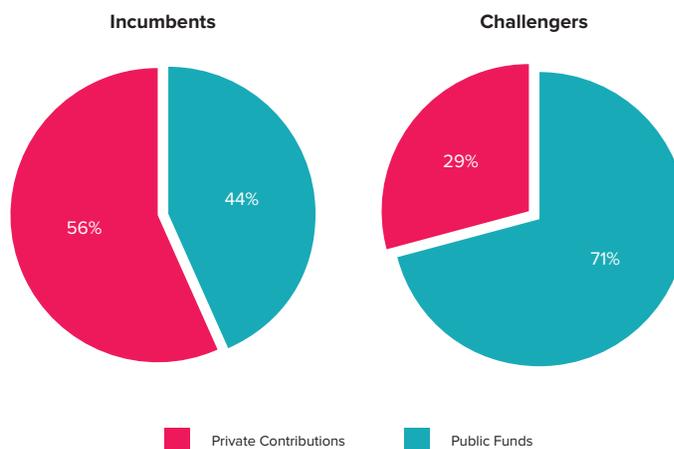
Median Contribution Size Received by Participating City Council Candidates



Average Organizational Contributions Received by Participating Candidates



Public Funds as a Percentage of Expenditures (Participating Candidates)



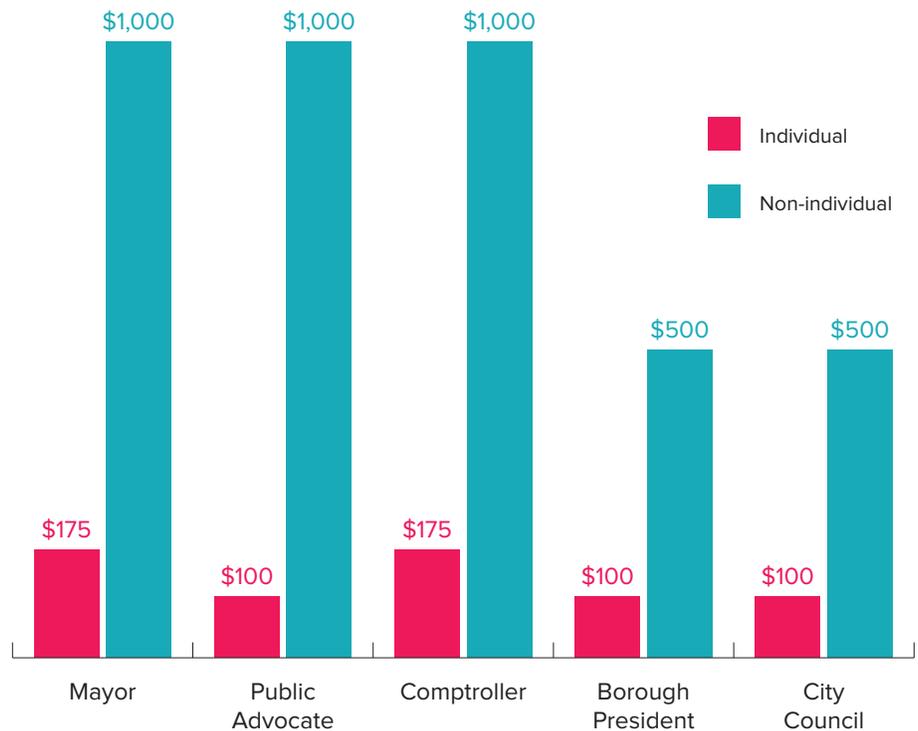
Transparency

An educated, engaged voting public is key to maintaining a healthy democracy. Complete and timely disclosure helps ensure that voters can learn about the candidates, who supports them, and how they spend their money before Election Day.

Organizational Contributions

Contributions from political committees, unions and other organizations are typically larger than those from individuals, and may be perceived as an effort to gain access or influence.

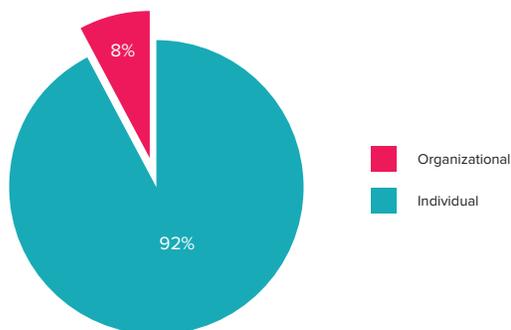
Median Contribution Size by Source, Participating Candidates, 2013 Elections



However, while the median size of organizational contributions may be substantially larger, the overall share of funds provided to candidates by these contributors is quite low. With very limited exceptions, candidates in the 2013 elections were prohibited from accepting contributions from LLCs, partnerships or corporations.*

* Legislation prohibiting contributions from LLC's and partnerships took effect January 1, 2008. Some candidates in the 2013 elections had committees that were originally opened for the 2009 election cycle, prior to the extension of term limits. Candidates who had legally accepted contributions from those sources prior to 2008 were permitted to keep those contributions for 2013.

Contributions by Source for All Candidates



Organizations include political committees, unions, LLCs, corporations, partnerships and other contributions. Individual contributions do not include candidates' contributions.

Intermediaries

Individuals or entities who collect or solicit contributions on behalf of a candidate, also known as intermediaries or “bundlers,” may deliver contributions to a candidate totaling far more than what the contribution limits allow. While the limits aim to reduce contributors’ ability to gain influence over a candidate, bundling contributions can be perceived as a way to skirt those limits.

The Act requires candidates to report intermediaries to the CFB. This disclosure provides the public with a more complete picture of the candidates’ supporters and funders.

TOP 10 LARGEST INTERMEDIARIES			
	Bundler	Candidates Bundled For	Total Contributions Bundled*
1	Sally Susman	Quinn	\$278,249
2	Michael Woloz	de Blasio; Katz	\$270,465
3	Gay & Lesbian Victory Fund	Quinn	\$203,158
4	Charles Dorego	de Blasio; Lappin; Stringer	\$167,500
5	Huma Abedin	Weiner	\$154,375
6	Alexander Rovt	de Blasio; Stringer; Weiner	\$141,996
7	Aby Rosen	Stringer	\$128,950
8	Jay Kriegel	Quinn; Stringer; Thompson	\$110,445
9	Jay Eisenhofer	de Blasio; Stringer	\$104,525
10	Jed Walentas	Quinn; Stringer; Squadron; Weiner; Thompson	\$100,120

* Does not include refunded contributions.

TOP 10 CANDIDATES BY MOST BUNDLED FUNDS RECEIVED

	Candidate	Office	Total Bundled Contributions
1	Christine Quinn	Mayor	\$3,598,007
2	Scott Stringer	Comptroller	\$1,511,236
3	Anthony Weiner	Mayor	\$1,509,683
4	Bill de Blasio	Mayor	\$1,411,275
5	Bill Thompson	Mayor	\$ 749,828
6	John Liu	Mayor	\$ 675,404
7	Joseph Lhota	Mayor	\$ 483,166
8	Daniel Squadron	Public Advocate	\$ 215,284
9	Daniel Garodnick	City Council	\$ 205,511
10	Julie Menin	Manhattan Borough President	\$ 188,055

Top Contributors

Data was aggregated at the contributor level for all contributions made during the 2013 election cycle. Only contributions made to participants were counted to eliminate the effect of self-financed candidates.

TOP 10 CONTRIBUTORS TO ALL CANDIDATES (PARTICIPANTS ONLY)

	Contributor	Amount	2009 Top 10
1	1199 SEIU	\$149,550	X
2	United Federation of Teachers (UFT)	\$135,900	X
3	Doctors Council SEIU COPE	\$122,350	
4	Council of School Supervisors and Administrators	\$105,300	X
5	32BJ SEIU	\$100,350	X
6	Uniformed Fire Officers Association	\$ 78,800	
7	Unite Here Local 54	\$ 77,400	
8	Correction Officers Benevolent Association	\$ 67,950	
9	Local 6 COPE	\$ 62,250	
10	Plumbers Local Union #1 NYC	\$ 61,750	

TOP 10 CONTRIBUTORS TO CITY COUNCIL CANDIDATES (PARTICIPANTS ONLY)

	Contributor	Amount	2009 Top 10
1	1199 SEIU	\$111,250	X
2	United Federation of Teachers (UFT)	\$ 93,500	X
3	Doctors Council SEIU COPE	\$ 84,675	
4	Council of School Supervisors and Administrators	\$ 64,850	X
5	32BJ SEIU	\$ 62,850	X
6	Garodnick 2013	\$ 44,500	
7	Local 6 COPE	\$ 39,150	
8	Correction Officers Benevolent Association	\$ 37,450	
9	Metallic Lathers Local 46	\$ 35,550	
10	New York State Laborers	\$ 34,725	

ORGANIZATIONAL CONTRIBUTIONS BY OFFICE (PARTICIPANTS ONLY)

Office	Organizational Contributions	% of All Contributions
Mayor	\$1,531,035	4.1
Public Advocate	\$ 345,867	7.0
Comptroller	\$ 312,333	8.5
Borough President	\$ 694,188	9.5
City Council	\$1,834,096	18.1

Top Vendors

Data was aggregated at the vendor level for all expenditures made during the 2013 election cycle. Only expenditures from participants were counted.

TOP 10 VENDORS TO ALL CANDIDATES (PARTICIPANTS ONLY)			
	Vendor	Amount	2009 Top 10
1	AKPD	\$7,506,553	
2	Mark Guma Communications	\$4,984,179	
3	GMMB	\$4,806,272	
4	Penczner Media	\$4,348,433	
5	BerlinRosen	\$3,629,794	
6	Screen Strategies Media	\$2,664,930	
7	The Campaign Group	\$2,628,850	X
8	Target Enterprises	\$2,590,568	
9	Red Horse Strategies	\$2,348,301	
10	The Advance Group	\$1,509,826	

TOP 10 VENDORS TO CITY COUNCIL CANDIDATES (PARTICIPANTS ONLY)			
	Vendor	Amount	2009 Top 10
1	BerlinRosen	\$1,154,453	X
2	Red Horse Strategies	\$ 826,828	X
3	The Advance Group	\$ 564,923	X
4	Mercury Public Affairs LLC	\$ 560,668	
5	Branford Communications Inc.	\$ 506,522	X
6	Brown Miller Group	\$ 285,587	
7	Pitta Bishop Del Giorno & Giblin	\$ 260,375	
8	Westerleigh Concepts	\$ 235,801	
9	Connective Strategies LLC	\$ 215,735	
10	Boykin Industries	\$ 209,895	

ENDNOTES

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- 2 Jim Dwyer, “Quinn Smiles Gately, but Primary Wasn’t Supposed to Be This Hard,” *The New York Times*, September 10, 2013, <http://www.nytimes.com/2013/09/11/nyregion/for-quinn-smiling-all-day-long-it-wasnt-supposed-to-be-this-hard.html>. CFB, *Advisory Opinion No. 2008-7*, (November 3, 2008), http://www.nycffb.info/act-program/ao/AO_2008_7.htm.
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2

Independent Expenditures

In January 2010, the U.S. Supreme Court’s decision in *Citizens United v. FEC* held that the government may not limit independent political spending in elections. Subsequent court decisions removed limits on contributions to entities that made independent expenditures exclusively.

Four years after the U.S. Supreme Court’s decision in *Citizens United*, predictions of a “flood” of new spending have been proven accurate.¹ While data on outside spending in previous New York City elections is not available, anecdotal reports from previous elections do not begin to approach the scale of the \$15.9 million spent in 2013.

Independent expenditures create a special dilemma for any public campaign finance program. Most New York City candidates participate in the Campaign Finance Program, and agree to abide by strict spending limits, meaning candidates conduct their campaigns on a well-defined playing field. Non-participating candidates, while not bound by a spending limit, must follow the contribution limits that apply to all candidates. But independent spenders raising unlimited contributions and making unlimited expenditures can skew those boundaries rapidly.

Raising funds sufficient to match outside spending can take significant time away from campaigning. Even candidates supported by independent spending can find it difficult to get their own message across in the face of unlimited spending by groups who do not have to answer to the voters.

DISCLOSURE OF INDEPENDENT EXPENDITURES IN NEW YORK CITY

While the current Court has interpreted the First Amendment to protect the rights of independent actors to spend unlimited sums in elections, it has consistently held that disclosure of such spending can be mandated.

Until recently, New York City was among the many jurisdictions lacking a requirement that independent spending be disclosed. The CFB recommended in its 2009 post-election report that such a requirement be created for New York City elections.² A Charter Revision Commission, appointed in March 2010, proposed a requirement for disclosure of independent expenditures in city elections. That November, a ballot measure including this question was approved with the support of 84 percent of New York City voters.

With intense public interest in the issue, the CFB engaged in an extensive public outreach effort as part of its Charter mandate to issue rules for this disclosure, as reflected in this timeline.

- » **March 2011** | First public hearing on disclosure of independent expenditures.³

The Board issued a white paper outlining a series of questions on several issues it sought to consider during rulemaking, and solicited feedback during a public hearing. The Board received testimony from 14 individuals or organizations during the hearing or in writing.

- » **September 2011** | The Board issued proposed rules for public comment.⁴

The proposed rules required disclosure for direct appeals to voters for or against a candidate (“express advocacy”) at any time and communications that address a candidate’s character or fitness (“electioneering communications”) within 90 days of the election.

- » **October 2011** | The Board held a public hearing on proposed rules.⁵

The Board heard from 29 individuals or organizations during the hearing, and received written testimony from an additional 24.

- » **February 2012** | The Board issued revised proposed rules.⁶

In response to feedback from the October hearing, the Board revised the definition of “electioneering communications” to more closely match the federal definition, and shortened the window in which they must be disclosed to 30 days before the primary and 60 days before the general election, among other changes. The revised proposal was accompanied by a detailed report explaining the Board’s rationale.

In response to a request for written comment, 45 individuals or groups submitted statements.⁷

- » **March 15, 2012** | The Board voted to adopt final rules.⁸

- » **May 16, 2012** | Rules took effect.

- » **November 6, 2012** | A special election for City Council District #12 was the first election held under the new rules.

Local Law 15 of 2013

After the Board’s adoption of the rules governing disclosure, legislation was introduced in the City Council to modify them. As adopted by the Board, the rules provided some exemptions from disclosure for corporations and unions that spent money for certain election-related communications to their stockholders or members. Some called for those exemptions to be expanded, arguing that unions and corporations should not be required to disclose communications to members or stockholders at all.

In April 2012, 32BJ SEIU asked the Board for an advisory opinion on whether certain non-independent (i.e., coordinated) expenditures would be characterized as in-kind contributions to candidates under the Act.⁹ The resulting advisory opinion, AO 2012-1, issued in June, clarified that certain types of expenditures that may be covered by the new disclosure rules (including some membership communications) could be treated as in-kind contributions if they were coordinated with a candidate.¹⁰

Intro 978, introduced in the Council in December 2012, sought to supersede the Board’s advisory opinion by providing that spending for membership communications could not be considered an in-kind contribution—even if done in coordination with candidates. As introduced, the legislation would have created a massive loophole to the Act’s contribution and spending limits, and the Board objected to this proposal. After issuing a subsequent advisory opinion (2013-1), which further clarified the Board’s approach to independent activity and in-kind contributions, Intro 978 was amended.

The amended legislation, passed by a 47 to 1 Council vote in January 2013, exempts all independent membership communications from disclosure requirements, but preserves the Board’s long-held position that coordinated activity can be considered an in-kind contribution, even if it involves membership communications. Mayor Michael Bloomberg vetoed the legislation, but the bill was enacted over his veto in March 2013 — less than six months before the primary election.

CFB Rules for Disclosure of Independent Expenditures: An Overview

The rules implemented for the 2013 elections require comprehensive disclosure of independent spending, covering expenditures that explicitly advocate for (or against) a candidate, as well as so-called “sham issue ads” that mention the name of a candidate in close proximity to an election.

- » **What is covered:** Communications that advocate for or against candidates or ballot proposals (“express advocacy”) or that mention the name of a candidate within 30 days of a primary or 60 days of a general election (“electioneering communications”). Express advocacy communications that are broadcast on TV, cable, or radio, put in paid ads or mailed, or communicated via phone books or fliers, are all covered. Electioneering communications that are all of the above, except phone banks and fliers, are also covered. Email, social media, and in-person communication are not covered, nor are communications sent to an organization’s members or a corporation’s stockholders.
- » **Reporting thresholds:** When \$1,000 has been spent on communications that mention a particular candidate, the spender must report all communications and their associated expenditures regarding that candidate. And once \$5,000 is spent, the spender must report the sources of its income.
- » **Public disclosure:** Independent spending disclosures are filed on the same schedule as candidate disclosures; all expenditures made within two weeks of an election must be filed within 24 hours. All information about independent expenditures — including copies of the communication — is available in the CFB’s searchable database, and all communications must clearly identify who paid for them.

Enabling Timely, Complete Disclosure

After the Board adopted the disclosure rules in the spring of 2012, the CFB began developing a process for collecting the information independent spenders were now required to disclose. The CFB’s aim was to build a reporting system that would provide robust disclosure for the public without making the process overly burdensome for filers seeking to exercise their voice in city elections.

To facilitate rapid and thorough disclosure of independent spending information to voters, the CFB worked over the following five months to design and develop a web-based reporting system, the Independent Expenditure Disclosure System (IEDS). The IEDS allows spenders to submit disclosure statements entirely online, including digital image, video, and audio files, as well as supporting documents, through a safe,

encrypted process. The IEDS guides filers through data entry, determining what information needs to be reported, and prompting spenders to file disclosure reports when due.

The CFB conducted outreach to help ensure that groups active in city politics were aware of the new public disclosure rules. In September 2012, the CFB sent nearly 300 emails and 500 letters to existing political committees, clubs, unions, and other organizations to inform them of the new rules and the availability of trainings. Throughout the election cycle, CFB staff contacted potential independent spenders identified through media or other reports to alert them to the reporting obligations.

Starting in September 2012, the CFB offered monthly IEDS trainings to explain the rules to potential independent spenders and demonstrate how to file disclosures. Individuals representing 48 different entities, including law firms, unions and political committees, attended the trainings. Ultimately, 40 percent of the independent spenders active during the 2013 elections attended a CFB training.

Two special elections — one in November 2012 and one in February 2013 — served as IEDS test runs for 2013. Two entities filed as independent spenders during those elections, spending just over \$36,000 on seven communications.¹¹ This small-scale release allowed CFB staff to gain a practical understanding of how users interacted with the system and implement improvements.

DISCLOSURE OF SPENDING IN 2013

Without reliable disclosure of independent spending in city elections prior to the recent Charter mandate, it is impossible to do a precise comparison between outside spending in 2013 and in previous elections. However, with nearly \$16 million spent in 2013, it is reasonable to assert that independent expenditures grew well beyond anyone's expectations.

Limited analysis supports this observation. For example: before the 2009 elections, a group of real estate executives came together through the Real Estate Board of New York to generate more than \$500,000 in contributions to the New York State Independence Party Housekeeping Account. With the funds, the Independence Party produced and distributed mailers supporting four candidates for City Council.¹²

Jobs for New York, the successor to that effort, was funded by many of the same actors, but was conducted on a much bigger scale. Jobs for New York spent nearly \$5 million in the 2013 elections — more than ten times the spending on Council races reported by the Independence Party four years prior — and spread their largesse across 22 Council districts.

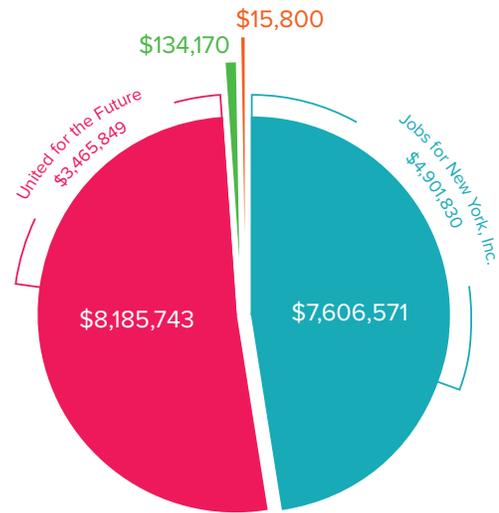
Unions have traditionally been active participants in city elections, but few, if any, engaged in general-audience advertising before last year. Yet in the 2013 elections, seven of the top ten independent spenders were unions or union-funded entities.¹³

Just two spenders — Jobs for New York and United for the Future, funded by teachers' unions — accounted for more than half (52.5 percent) of all the spending reported during the 2013 elections. Combined, these two groups distributed 732 communications.

TOP 10 INDEPENDENT SPENDERS BY AMOUNT SPENT, 2013 ELECTIONS

Independent Spender		Spending	# of Communications
1	Jobs for New York	\$4,901,830	541
2	United for the Future	\$3,465,849	191
3	New York Progress	\$1,044,742	1
4	NYCN4S	\$ 856,762	23
5	Progress NYC	\$ 632,508	10
6	1199 SEIU United Healthcare Workers East	\$ 437,862	26
7	Hotel Workers for a Stronger Middle Class	\$ 429,669	23
8	Empire State 32BJ SEIU PAC	\$ 345,885	36
9	New Yorkers For Proven Leadership	\$ 334,936	5
10	Unidos para Comunidades Trabajadores	\$ 310,000	2

Independent Expenditures by Spender Type, 2013 Elections



Where the Money Came From

Independent spenders reported receiving \$26,988,556 in contributions from 411 contributors.* Forty-seven percent of all contributions (\$12,778,206) came from unions and union-funded entities. LLCs, the second largest contributor type, were responsible for 26 percent (\$7,021,900).†

CFB rules require disclosure of contributions received by almost all entities that spend more than \$5,000 on a particular candidate. So, unlike what has happened in other jurisdictions in recent years, there was essentially no “dark money” in New York City’s 2013 elections.

But even with New York City’s robust disclosure rules, more can be done to provide voters with a better picture of the funds raised by independent spenders. In some cases, spenders’ disclosure of their contributors fully satisfied CFB rules, but still fell short of providing a complete picture of the funds’ ultimate source.

For instance, 90 percent of the \$6.9 million raised by Jobs for New York came from more than 120 LLCs and partnerships associated with specific development projects. No information existed in the disclosures that helped voters comprehend who controlled the LLCs, whether they were related, or what was the original source of the funds.

Likewise, some entities seemed to be created for the express purpose of making contributions to independent spenders. One example is Educators United, a political committee whose filings with the State Board of Elections show that it made exactly two contributions during the second half of 2013 totaling \$1.1 million, both to United for the Future. Another is New Yorkers Together, whose state filings show only a single outlay, to New York Progress. Neither group was required to disclose its contributors to the CFB, forcing voters to do further research to learn the true source of the funds. (State filings show that the Educators United funds came from the city and state teachers’ unions, while New Yorkers Together received its funds from the Communications Workers of America).

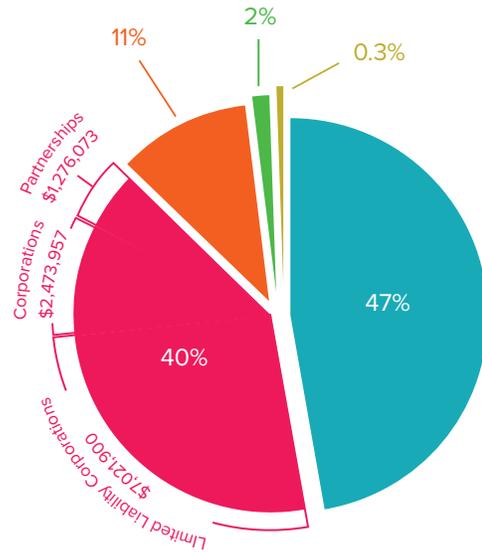
The challenge for future elections is to craft disclosure requirements that can provide increased transparency for voters and withstand legal scrutiny. For instance, if New York City were to adopt provisions similar to those in the DISCLOSE Act currently under consideration in the U.S. Congress, voters would have access to increased disclosure about contributors to independent spenders in city elections.¹⁴ [See Chapter 5, Legislative Proposals]

* Spenders are required to report only expenditures related to the design, production, or distribution of a certain communications, so spending on polls, research, consulting fees, etc. are not reported to the CFB. On the other hand, certain income must be reported, regardless of whether it is spent on independent expenditures. Further, some independent spenders had no reported contributions. The result is that there is not a perfect match between income and spending.

† Some spenders reported no contributions because the disclosure rules do not cover certain types of income: membership dues paid by individuals, revenue from goods and services, money that is restricted from being spent on elections, contributions from individuals of less than \$1,000 or raised more than a year before the election, and contributions from entities raised prior to May 16, 2012 (the day the Rules went into effect). Of the 49 spenders that are entities (individual spenders don’t report contributions), 34 reported contributions, six had only exempt income, and nine spent less than \$5,000 on any candidate.

Contribution Sources for Independent Spenders, 2013 Elections

■	Unions/Union Funded Entities	\$12,778,206
■	LLCs/Corporations/Partnerships	\$10,771,930
■	Individuals	\$2,925,130
■	Political Party/Club/Candidate Committee	\$428,290
■	Other/Unclassified	\$85,000



How the Money Was Spent

The 2013 election gave New York City voters their first close look at outside spending in city elections. The CFB's disclosure requirements helped show voters who the spenders were, where the money was coming from, and how it was spent. In total, 50 individuals and entities reported spending more than \$15.9 million on 1,196 unique communications trying to win voters' attention.¹⁵ These communications ranged from a \$1,044,742 expenditure to produce and air a TV ad, to a flyer that cost just \$106.67.¹⁶ The majority of independent spending went to mass mailings (\$6,969,437), TV ads (\$3,073,485) and leaflets/flyers (\$2,385,590).

INDEPENDENT EXPENDITURES BY COMMUNICATION TYPE, 2013 ELECTIONS

Communication Types	Total	Mayor	Public Advocate	Comptroller	Borough President	City Council
Mass Mailing	\$ 6,969,437	\$1,940,549	\$ 18,273	\$ 534,262	\$116,349	\$4,360,005
TV/Cable Ad	\$ 3,073,485	\$3,061,185	—	—	—	\$ 12,300
Leaflet/Flyer	\$ 2,385,590	\$ 831,745	\$127,842	\$ 51,092	\$ 32,360	\$1,342,552
Radio Ad	\$ 1,518,388	\$ 985,778	\$150,605	\$ 372,730	—	\$ 9,275
Phone Bank	\$ 927,126	\$ 370,649	\$ 21,691	\$ 89,664	\$ 192	\$ 444,931
Internet Ad	\$ 466,278	\$ 447,131	\$ 965	\$ 965	\$ 2,895	\$ 14,322
Print Ad	\$ 416,121	\$ 265,183	\$ 58,162	\$ 17,560	\$ 4,064	\$ 71,152
Billboard	\$ 78,537	\$ 78,537	—	—	—	—
Poster	\$ 62,189	\$ 15,378	\$ 7,507	\$ 1,644	—	\$ 37,660
Website	\$ 31,690	\$ 19,040	—	\$ 2,000	—	\$ 10,650
Other	\$ 13,443	\$ 10,380	—	—	\$ 1,762	\$ 1,300
Grand Total	\$15,942,284	\$8,025,555	\$385,045	\$1,069,916	\$157,621	\$6,304,147

TOP 10 VENDORS TO INDEPENDENT SPENDERS, 2013 ELECTIONS

Vendor		Total	Spenders
1	The Parkside Group	\$4,923,623	Jobs for New York
2	Red Horse Strategies	\$3,189,474	United for the Future, Progress NYC
3	The Advance Group/ Strategic Consultants	\$1,420,185	NYCN4S, United for the Future, NYCLASS, City Action Coalition PAC
4	Screen Strategies Media	\$1,003,000	New York Progress
5	Metropolitan Public Strategies	\$ 442,085	Hotel Workers for a Stronger Middle Class
6	LUC Media	\$ 342,407	New York Jobs Now
7	Mercury Public Affairs	\$ 310,000	Unidos para Comunidades Trabajadoras
8	National Media Research, Planning & Placement	\$ 295,001	New Yorkers for Proven Leadership
9	The Campaign Workshop	\$ 276,166	People for a Better New York
10	Boykin Industries	\$ 256,036	United for the Future
paid vendor more than \$50,000			

Spenders' communications were predominantly positive (78 percent of total spending supported candidates), though a significant portion went for negative communications (18 percent opposed candidates).*

Effectiveness of Independent Expenditures

What effect did all of this independent spending have on the outcome of the elections? While it is difficult to gauge this impact based only on spending data, there are some conclusions to draw.

RACES WHERE INDEPENDENT EXPENDITURES SUPPORTING A CANDIDATE WERE MORE THAN DOUBLE A CANDIDATE'S OWN SPENDING—2013 CITY COUNCIL PRIMARY			
Candidate Supported	CD	Amount Spent by Candidate	Amount Spent by Outside Group(s)
Ari Kagan	48	\$136,251	\$392,705
Manuel Caughman	27	\$115,811	\$317,177
Sara Gonzalez	38	\$153,643	\$405,860
Kirsten Foy	36	\$163,242	\$406,789
Ritchie Torres	15	\$163,377	\$406,098
Mark Treyger	47	\$163,451	\$398,190
Paul Vallone	19	\$164,690	\$391,248
Alan Maisel	46	\$162,139	\$343,639

Amount spent by outside groups includes amounts spent in opposition to other candidates in the race. Shading indicates candidate won election.

Outside groups can outspend candidates. In 17 out of the 41 primary elections for City Council, total independent spending exceeded the expenditure cap for candidates participating in the Program. In four of the Council primaries, spending by outside groups exceeded the combined spending of all the candidates in the race. Such outsized spending can distort races and threatens to wrest control of elections from those who have the most at stake — the voters and the candidates — in favor of special interests.

Independent spending is more likely to be negative. Though there is no comprehensive study of the tone of communications prepared by candidates, negative campaigning by outside groups drew much attention. In the mayoral general election, fully 46 percent of spending by outside groups was negative.

In some cases, the negative campaigning changed the trajectory of races. In the Democratic primary for mayor, negative ads accounted for 18 percent of all independent spending. Negative independent expendi-

* The independent expenditure rules include disclosure of electioneering communications, which mention the name of a candidate shortly before the election, even in the absence of a clearly-defined statement of support or opposition. CFB staff reviewed each communication to say whether it supported or opposed a candidate. If staff was unable to make that determination, it is listed as "Not Determined."

tures early in the campaign by NYCN4S and NYCLASS targeting Council Speaker Christine Quinn for her position on horse carriages made it difficult for her to define herself.¹⁷

In Council primaries, one-seventh (14 percent) of all independent spending was for negative ads. Sharply negative mailers, many by Jobs from New York, turned several races into angry exchanges between aggrieved candidates.¹⁸ In other races, candidates complained that independent spenders had hijacked their campaigns.¹⁹

Independent spending alone does not always translate into electoral success. Bill Thompson received more support from independent spenders than any of his rivals in the Democratic mayoral primary. The \$3 million spent on his behalf, mainly by United for the Future, the independent spending arm of the City’s teachers’ union, accounted for two-thirds of all independent expenditures in that race. Yet, despite this considerable level of support, Thompson finished a distant second, even failing to force a runoff.

The four Council primary candidates who had the most independent spending on their behalf (as a percentage of their own spending) all lost. Sara Gonzalez (CD 38), Ari Kagan (CD 48), Manuel Caughman (CD 27) and Kirsten Foy (CD 36) each had independent expenditures on their behalf that were at least two and a half times what they spent themselves, yet high outside spending did not determine the outcome.

By contrast, three City Council candidates overcame massive independent expenditures aimed at electing another candidate. Robert Cornegy (CD 36), Chaim Deutsch (CD 48), and Carlos Menchaca (CD 38) won election to the Council despite being outspent by more than 2-to-1 by independent groups.

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3

NYC Votes

The 1988 Charter Revision Commission saw a clear link between low voter engagement and the widespread perception that large contributors exercised undue influence over government. Seeking to restore and increase confidence and participation in the electoral process, the Charter established a Department of Campaign Finance and Voter Assistance charged with three main duties: administering the landmark matching funds program adopted by the City Council earlier that year; encouraging more New Yorkers, especially those in underrepresented communities, to register and vote; and publishing a nonpartisan voter guide with information on candidates and ballot proposals, to be distributed to every household with a registered voter.¹

The Voter Assistance Commission (VAC) was separated from the CFB the following year. However, the 2010 Charter Revision Commission proposed reconstituting VAC within the CFB as its Voter Assistance Advisory Committee (VAAC), restoring the CFB's broader mandate to help more voters participate in the political process.

The CFB kicked off the 2013 election cycle by launching NYC Votes, a robust voter engagement campaign harnessing new technologies and face-to-face outreach to help New Yorkers connect their votes with the issues that affect their lives and neighborhoods. Through NYC Votes registration drives and other events leading up to the elections, the CFB helped eligible voters ensure that they were ready to vote in the 2013 primary, runoff and general elections.

A crucial part of the NYC Votes campaign was helping voters learn about the more than 250 candidates on the ballot. The CFB produced the print, online and video editions of the Voter Guide, the Debate Program for citywide candidates, and for the first time ever, a mobile online platform at NYCVotes.org where New Yorkers could learn about and contribute directly to candidates, on-the-go. These tools allowed the CFB to provide timely information about candidates and elections seamlessly and directly to voters.

THE VOTER GUIDE

The CFB has printed the nonpartisan New York City Voter Guide for 25 years. Voter Guides are produced and distributed for free before every regularly scheduled municipal election in which there are candidates running for local office or ballot questions pertaining directly to New York City voters. Since 1998, the CFB has also produced online Guides to supplement the printed Guide, and online-only Guides to cover state and federal elections, as well as local special elections.

The CFB provides the opportunity for all candidates running for local office to submit profiles for inclusion in the Voter Guide. Candidates are asked to provide biographical information, party affiliation, a recent photo, any website or social media links, and answers to relevant questions about the office they are seeking. The 2013 Guide also contained information about state initiatives on the November ballot.

The Guide is available in five languages: English, Spanish, Chinese, Korean, and, for the first time in 2013, Bengali. Using voter information from the Board of Elections, the CFB mails Guides to every household in New York City with a registered voter and delivers bulk copies of the Guides to community partners throughout the city for further distribution. An audio Guide for the visually impaired is mailed to voters on request and available for download on the CFB's website.

The CFB used multiple platforms to advertise the Voter Guide, including a social media campaign and, via a partnership with NYC & Company, posters on bus shelters and telephone kiosks throughout the five boroughs. Additionally, the CFB worked with community organizations to promote the online Guide through their websites, including the foreign-language Guides, to assist voters with limited-English proficiency.

Print

For the 2013 primary and general elections, the CFB delivered nearly 7.5 million English/Spanish Guides by mail to registered voters. Approximately 35,000 Chinese, 60,000 Chinese/Korean, and 9,000 Bengali Guides were delivered to registered voters for each election. (Chinese Guides are delivered to select voters in Brooklyn, Manhattan, and Queens; Korean and Bengali Guides are delivered to select voters in Queens). An additional 140,000 Guides were delivered in bulk to community organizations throughout the city for distribution in their communities.

The CFB produced multiple print editions (14 for the primary elections and 20 for the general election) to provide voters with relevant information about the races taking place in their part of the city.

Video

The CFB produced the Video Voter Guide for the first time in 2013. The Video Voter Guide was produced by VAC for the 2005 and 2009 citywide elections. All candidates are invited to record, in-studio, a two-minute message to voters for the video edition. The 2013 Guide aired on NYC-TV twice daily during the week prior to Election Day. NYC Votes aired promotions for the Video Voter Guide in taxis in partnership with the New York City Taxi and Limousine Commission. The video Guide aired for two weeks in Health and Hospitals Corporation (HHC) facilities and Department of Aging's Innovative Senior Centers.

Each video was also uploaded to the CFB's YouTube channel, and embedded into the online Guide and the NYC Votes mobile website. The candidates' video statements collectively garnered over 29,000 views through those online platforms.



Online

The online Voter Guide consisted of candidate information from the print Voter Guide, as well as candidates' video statements. The online Guide was mobile-responsive to allow voters to access the information on-the-go, including information about where and how to vote, videos of CFB debates, and a link to the online Judicial Voter Guide.

Visitors could customize their Guide by entering their addresses on the homepage (powered by the Center for Urban Research at the CUNY Graduate Center). The homepage included links to voter resources and translated Guides for limited-English proficiency users in each of the covered languages.

Audio files were provided in the online Voter Guide for visually impaired voters, with CDs available upon request.

To supplement the translated editions provided in the online Guide, the CFB partnered with the Jewish Community Relations Council (JCRC) of New York to translate the Voter Guide into Russian. The Russian-language guide was hosted on the JCRC website, and a link was included in the CFB's site.²

For the general election, the online edition provided extended coverage of the six New York State ballot proposals, including pro and con statements submitted by the public, in addition to the content provided in the printed Guides. A runoff Guide was also created to educate voters about the two candidates in the October 1st Democratic runoff for public advocate.

The CFB's online Primary Voter Guide got over 72,000 unique pageviews in the two weeks prior to Primary Election Day, an increase of 43 percent compared to 2009. Nearly two-thirds of the total visitors sought information on Primary Day or the day before.

The General Election Voter Guide saw more than 82,000 unique pageviews in the two weeks before Election Day, November 5, 2013, an increase of 64 percent over 2009. Again, nearly 80 percent of the pageviews came either on Election Day or the day before. Visitors using a mobile device accounted for more than 19 percent of all pageviews during the two-week periods preceding the primary and general elections.

NYCVotes.org

Using technology to connect more New Yorkers with city campaigns and elections is a significant aspect of the CFB's work. Working with Tipping Point Partners and software developers from Pivotal Labs, designers from Method, and project managers from AppOrchard, NYC Votes developed a unique voter-centric mobile platform, NYCVotes.org, to connect voters with election resources on the go. In the days before the primary and general elections, thousands of New Yorkers used the mobile app to locate their polling places, make small-dollar contributions to candidates, find the candidates on their ballot, and access candidate Voter Guide profiles. Because of this unique public-private partnership, this valuable resource was developed free of charge for city voters.

From August 27 (two weeks prior to Primary Day) to November 5, 2013 (Election Day), nycvotes.org had a total of 65,465 unique pageviews.



Across all of the CFB’s digital Voter Guides (online and mobile), the data indicate that voters used these resources for last-minute information about candidates: 60 percent of pageviews occurred either the day before or the day of the election.

Candidate Participation in the Voter Guides

All candidates who submit their information by the deadline and are on the ballot at press time are included in the print Guide. Those who submit late may still be included in the online Guide. A total of 252 candidates submitted profiles for the 2013 print Voter Guide: 95 percent of candidates on the primary ballot participated, and 74 percent of candidates on the general election ballot participated. A similarly high number of candidates participated in the video and online Guides, demonstrating how important these products are to candidates wanting to share their messages with voters.

CANDIDATE PARTICIPATION IN THE VOTER GUIDE, 2013 ELECTIONS			
	Print	Video	Online/Mobile*
Total candidates participating	252	196	256
Percentage of candidates on primary ballot	95	83	96
Percentage of candidates on general election ballot	74	58	75
* The online Guide and NYC Votes mobile app included both print and video content submitted by candidates.			

2013 DEBATE PROGRAM

Since 1997, the CFB has administered the mandatory Debate Program for citywide candidates participating in the Campaign Finance Program. Often, the CFB-sponsored debates are New Yorkers’ only opportunity to view the candidates side by side as they discuss important issues facing the city. The Debate Program helps ensure that voters are informed as they head to the polls on Election Day.

The law calls for two debates before each primary and general election for the offices of mayor, public advocate and comptroller. Candidates who join the public matching funds program, appear on the ballot, and meet objective, nonpartisan, non-discriminatory criteria must participate in the debates. If two or more candidates do not qualify for a debate, then the debate is cancelled. In the event of a runoff election, one debate must be held for that office.³

The second of the two debates is reserved for “leading contenders.” Sponsors, in consultation with the CFB, can set additional nonpartisan, objective, and non-discriminatory criteria for candidates to meet in order to be eligible.

Sponsors can invite candidates who choose not to join the public matching funds program, as long as the candidates meet the same criteria set forth for Program participants.

The 2013 Debate Program drew enormous interest from potential sponsors. The CFB received ten applications from a total of 28 organizations. Ultimately, the CFB announced the following three sponsor groups for the 2013 Debate Program:

2013 DEBATE SPONSOR GROUPS
NY1, NY1 Noticias, Citizens Committee of New York City, Citizens Union, Gothamist, Hispanic Federation, Transportation Alternatives, WNYC
CBS 2 News, 1010 WINS, Common Cause/NY, <i>El Diario/La Prensa</i> , WCBS Newsradio 880
NBC 4 New York, Telemundo Nueva York, <i>The Wall Street Journal</i>

The following criteria were agreed upon by sponsors, working with the CFB, prior to the debates:

2013 DEBATE SPONSOR CRITERIA—PRIMARY ELECTION		
Office	First Debate	Leading Contenders Debate
Mayor	Raise and spend \$50,000 AND have 2% in Marist or Quinnipiac polls	Raise 20% of the spending limit (\$1,285,200) OR Raise and spend \$250,000 AND have 7% in Marist or Quinnipiac polls
Public Advocate	Raise and spend \$25,000	Raise 20% of the spending limit (\$803,600) OR Raise and spend \$100,000 AND have 7% in Marist or Quinnipiac polls
Comptroller	Raise and spend \$25,000	Raise and spend \$200,000 OR Raise and spend \$25,000 AND have 10% in Marist or Quinnipiac polls

Primary Election Debates

Mayor — Democratic Primary Election

The first CFB-sponsored debate in the heated Democratic mayoral primary election was broadcast by NY1 from the historic Town Hall on August 21. A live audience of 1,500 voters watched seven qualifying candidates — Sal Albanese, Bill de Blasio, John Liu, Christine Quinn, Erick Salgado, Bill Thompson, and Anthony Weiner — debate the issues for 90 minutes. NY1 *Inside City Hall* anchor Errol Louis moderated, with panelists Juan Manuel Benitez of NY1 Noticias, David Chen of *The New York Times*, Brian Lehrer of WNYC, and Grace Rauh of NY1 asking questions. The large number of qualifying candidates made it difficult to ensure that all candidates had adequate time to present their views.

Though the second debate was reserved for “leading contenders,” five candidates still qualified to participate, more than in previous election cycles. It was hosted by NBC 4 New York (NBC) on Tuesday, September 3 — exactly one week before the primary. The urgency of the race was reflected at the debate, with all candidates relentlessly criticizing Bill de Blasio, the frontrunner. The debate was co-moderated by NBC anchor David Ushery and reporter Melissa Russo, with panelists Michael Howard Saul of *The Wall Street Journal* and Jorge Ramos of Telemundo Nueva York (Telemundo).

Mayor — Republican Primary Election

The 2013 elections were the first in the history of the Debate Program to feature two debates for a Republican mayoral primary. With so much media attention on the Democratic primary race, the first debate, held at the CUNY Graduate Center in front of a live audience on August 28, was the first introduction for many voters to the three Republican candidates: John Catsimatidis, Joseph Lhota, and George McDonald. It was broadcast on CBS 2 News (CBS) and moderated by anchor Maurice Dubois, with panelists Marcia Kramer of CBS, Juliet Papa of 1010 WINS, and Marlene Peralta of *El Diario/La Prensa (El Diario)*.⁵

Catsimatidis and Lhota qualified for the second Republican mayoral primary debate on Sunday, September 8, sponsored by NBC and its partners. The debate was the final meeting between the candidates.⁶

Comptroller — Democratic Primary Election

The 2013 Debate Program kicked off with a spirited, contentious debate between Eliot Spitzer and Scott Stringer for the Democratic comptroller primary election.⁷ The NY1 sponsor group hosted this debate at the CUNY Graduate Center on Monday, August 12 in front of a small live audience. The debate was co-moderated by NY1 *Inside City Hall* anchor Errol Louis and WNYC’s Brian Lehrer.⁸

Watch
Leading Contenders
Democratic
Mayoral
Primary Election Debate

TONIGHT at 7:00 PM

TV: NBC 4 New York (English), Telemundo Nueva York (Español)
Radio: WOR Radio 710 AM

The candidates in tonight's mayoral debate are: Bill de Blasio, John Liu, Christine Quinn, Bill Thompson, and Anthony Weiner. For more information, visit www.nycfb.info/debates.

Primary Election Day | **Tuesday, September 10, 2013**

All poll sites are open **6am-9pm**. Learn about the candidates from your Voter Guide and on www.nycvotes.org.

Brought to you by:

DEBATE DE CANDIDATOS
DEMOCRATISTAS PARA CONTRALOR

La Ciudad de Nueva York elegirá a su candidato para contralor por el Partido Demócrata.
Escucha lo que tienen que decir.
Sus planes de trabajo para la Ciudad y cómo nos afecta a nosotros los hispanos.

EL JUEVES 22 DE AGOSTO A LAS 7 PM
VEALO EN ESPAÑOL EN ELDIARIONY.COM

SEGUEN EN TWITTER - @eliotspitzer

AUSPICIADO POR

The second comptroller debate in the Democratic primary election was broadcast by CBS on Thursday, August 22, 2013. CBS's Marcia Kramer moderated, with questions coming from panelists Rich Lamb of WCBS Newsradio 880 (WCBS) and Marlene Peralta of *El Diario*.⁹

Public Advocate — Democratic Primary Election

With media attention focused on the mayoral and comptroller races, the debates provided public advocate candidates a much-needed venue to convey their message to voters. NY1 broadcast the first debate on Thursday, August 15, in front of a live audience at the Brooklyn Academy of Music. Moderator Errol Louis was joined by panelists Juan Manuel Benitez, Courtney Gross, and Brian Lehrer.

Five candidates qualified for the first debate: Catherine Guerriero, Letitia James, Reshma Saujani, Daniel Squadron, and Sidique Wai. A Marist poll showing that 49 percent of likely voters were undecided about the public advocate race underscored how important this debate would be for all of the candidates.¹⁰ The candidates generally avoided personal attacks and debated the issues of stop-and-frisk and a City Council bill to create an inspector general at the NYPD.¹¹



Guerriero, James, Saujani, and Squadron qualified for the leading contenders' debate, sponsored by NBC, *The Wall Street Journal*, and Telemundo on Sunday, August 25. It was co-moderated by Russo and Ushery, with panelists Saul and Ramos. The second debate got personal, as candidates leveled charges of “ethical transgressions” at each other.¹²

Public Advocate — Democratic Runoff Election

NY1 televised a debate between the two candidates in the Democratic public advocate runoff, Letitia James and Daniel Squadron, on September 24 — exactly one week prior to the election. Errol Louis and Brian Lehrer questioned the candidates, provoking some surprisingly heated exchanges. Squadron called James out for not releasing her tax returns earlier in the election year.¹³ She did so the following day. There were no general election debates for the public advocate because only James met the qualifications.

Mayor — General Election

Polls released after the primary showed de Blasio with a 40-percentage point lead over Lhota¹⁴. The mayoral debates were one of the few opportunities for voters to compare Lhota and de Blasio side-by-side. The first CFB mayoral debate, sponsored by CBS, was the only debate during the 2013 election cycle with a solo moderator — Maurice Dubois.

Lhota attacked de Blasio for his stance on public safety. The lively debate produced one “Kumbaya” moment, when both candidates expressed support for a proposal by Mayor Bloomberg to build a new neighborhood on Manhattan’s East Side.¹⁵

The final debate between de Blasio and Lhota was held on October 30 at 30 Rockefeller Center, and sponsored by NBC, *The Wall Street Journal*, and Telemundo.¹⁶ The 90-minute debate was the last face-to-face encounter the two candidates had prior to Election Day.

Comptroller — General Election

Two candidates met the debate criteria for the first general election comptroller debate on October 8 — Democrat Scott Stringer and Republican John Burnett. The debate was held at NY1 studios, and co-moderated by Errol Louis and Brian Lehrer. The debate was surprisingly feisty, with Burnett, running in his first campaign, at one point questioning whether Mr. Stringer had a soul.¹⁷

Only one debate for the comptroller general election was held, because Stringer was the only candidate to meet the criteria for the leading contender debate. Mr. Burnett criticized the CFB for canceling the debate.¹⁸

Challenges

Time Warner Cable/CBS Contract Dispute

Beginning in early August, prior to the first CFB debates, a contract dispute between Time Warner Cable (TWC) and CBS resulted in TWC blocking CBS's transmission to its subscribers in New York. With the approach of the first CBS-sponsored debate on August 22 (between the candidates in the Democratic primary for comptroller) the dispute promised to be a major disruption for voters wanting a good look at the candidates.

Then CFB Chair Father Parkes and VAAC Chair Art Chang wrote a letter to CBS and TWC — both Debate Program sponsors — urging them to allow the debates to be broadcast as planned.¹⁹ “For many New Yorkers, these televised debates are the only chance they have to see the candidates together on a single stage, discussing the issues that are most important to voters,” they wrote. “We call upon both sides to set aside their differences, if only for a moment, and find a way to present these debates to all New Yorkers.”

The day before the debate, CBS and TWC reached an agreement to provide the debates to TWC subscribers.²⁰ In addition, CBS permitted CUNY-TV to broadcast the debate. The same agreement applied to the first Republican mayoral debate, broadcast by CBS on August 28.

The dispute was resolved in early September, prior to the CBS-sponsored debates for the general election.

NBC's “Online Bonus” Debate

The debate law stipulates that each debate must be at least 60 minutes. Throughout the 2013 Debate Program, NBC produced 90-minute debates. The first hour was broadcast on Channel 4, and the final 30 minutes were streamed online.²¹

The public advocate candidates who participated in the Democratic primary debate on August 25 did not object to the extra time being broadcast only online. Prior to NBC's Democratic primary mayoral debate on September 3, four eligible candidates called for the entire 90 minutes to be broadcast on Channel 4. The debate proceeded as planned, with the first 60 minutes on television and the “bonus” half-hour online.²²

Prior to NBC's mayoral debate in the general election, de Blasio and Lhota called for the entire 90 minutes to be broadcast on TV. NBC allowed NYC-TV to simulcast the full 90-minute debate. In addition, NBC re-broadcast the entire 90 minutes on Sunday, November 3, two days before Election Day.

DEBATE PROGRAM & TELEVISION VIEWERSHIP²²

Debate & Date/Time	Broadcast Station(s)	Viewership (NYC only)*
Primary		
Comptroller—Democratic August 12, 2013, 7 pm	NY1/NY1 Noticias [†]	20,264
Public Advocate—Democratic August 15, 2013, 7 pm	NY1/NY1 Noticias [†]	15,326
Mayoral—Democratic August 21, 2013, 7 pm	NY1/NY1 Noticias [†]	50,159
Comptroller—Democratic August 22, 2013, 7 pm	CBS 2 News/WLNY-TV 10/55 [±]	65,512
Public Advocate—Democratic August 25, 2013, 11:30 am	NBC 4 New York/ Telemundo Nueva York	21,817
Mayoral—Republican August 28, 2013, 7 pm	CBS 2 News/WLNY-TV 10/55 [±]	73,241
Mayoral—Democratic September 3, 2013, 7 pm	NBC 4 New York/ Telemundo Nueva York	196,943
Mayoral—Republican September 8, 2013, 11:30 am	NBC 4 New York/ Telemundo Nueva York	50,415
Runoff		
Public Advocate—Democratic September 24, 2013, 7 pm	NY1/NY1 Noticias [†]	6,744
General		
Comptroller October 8, 2013, 7 pm	NY1/NY1 Noticias [†]	15,565
Mayoral October 22, 2013, 7 pm	CBS 2 News/WLNY-TV 10/55	198,156
Mayoral October 30, 2013, 7 pm	NBC 4 New York/ Telemundo Nueva York/WNYE-TV	174,695
<p>* Viewership analytics provided by Nielsen. Live +7 Projections among Persons 2+ in NYC 5 Boroughs. [†] Viewership for debates broadcast by NY1 reflect NY1 viewers only and do not include viewers on NY1 Noticias. [±] During contract dispute between CBS 2 News and Time Warner Cable.</p>		

VOTER ASSISTANCE

The Charter mandates the CFB to encourage and facilitate voter registration. On that basis alone, there are encouraging data: the overall number of registered voters in the five boroughs for the 2013 elections was 4.4 percent higher than the comparable number in 2009.²³ NYC Votes held voter registration events, often in collaboration with partners, to register new voters.

NYC Votes continued its popular “Train the Trainer” program, which helped more than 100 community and corporate partners conduct their own registration drives and effectively educate and engage their constituents in the electoral process. More than 50 partners attended traditional in-person trainings and an additional 50 organizations participated in the new web-based e-training program.

Active recruitment of partners and enhanced training paid off. Through combined efforts, NYC Votes collected more than 15,000 voter registration forms in 2013, twice as many as the previous year.

Registering New Citizens

With the help of the New York City Commission on Human Rights, the Department of Homeland Security (DHS) and the New York City Board of Elections (BOE), NYC Votes connected with the newest U.S. citizens at the very moment they naturalized, collecting more than 1,000 new voter registrations at 11 naturalization ceremonies in 2013.

2013 National Voter Registration Day

NYC Votes partnered with New York Public Interest Research Group (NYPIRG) to coordinate New York City’s programming for National Voter Registration Day (NVRD), September 24, 2013. NVRD is a nationwide, nonpartisan effort that includes a broad coalition of national, state, and local sponsors and affiliates.

CFB staff kicked off the day registering new citizens with DHS. Registration drives throughout the day reached New Yorkers in subway stations, on City University of New York campuses, at HHC facilities, in Popular Community Bank branches, and at the offices of KPMG, Google, and JP Morgan Chase. Additional partners (Food Bank for New York City, New York Organ Donor Network, Harlem United, Delta Sigma Theta Sorority, Inc., NAACP Brooklyn Branch, and NAACP NYCHA Branch) held voter registration drives throughout the city. When the results were tabulated, New York City’s NVRD efforts ranked second in the nation, with over 1,500 voter registrations collected in one day.

Local Law 29

The New York City Charter requires 19 city agencies to help register voters and increase public awareness about candidates, proposals, and elections. Each year, NYC Votes assists these agencies in developing and implementing their voter action plans. Many city agencies go beyond simply providing registration forms to their constituents. For instance, some post NYC Votes Voter Spotlights on their websites and social media pages, while others forward NYC Votes voter emails to their own email lists.



Youth Engagement

In 2013, NYC Votes launched the Youth Service Day of Voting in partnership with the Department of Youth and Community Development, Democracy Prep, and other youth organizations. On Election Day, NYC students encouraged adults to vote and distributed over 5,000 stickers to voters exiting poll sites.

NYC Votes also held a Youth Voting Workshop, a 45-minute interactive session that provides students with a comprehensive overview of city government, the functions of each elected official, and the impact that voting has on their lives. These workshops reached nearly 6,000 students and young adults in schools and at events conducted by our partners.

SOCIAL MEDIA

The 2013 election was the first for which the CFB actively used social media to engage and inform voters. With five channels across four platforms (Facebook, Twitter, Instagram, and YouTube), the CFB reached hundreds of thousands of New Yorkers in the days leading up to Election Day, helping to make sure they were ready to vote.

“I Voted” Sticker Contest

NYC Votes conducted a social media contest to design a new “I Voted” sticker for New York City. The winning design, selected by the NYC Votes Facebook audience, was by 10-year-old Zoe Markman from the Upper East Side. Working with the BOE, NYC Votes distributed nearly two million stickers to voters across the five boroughs. On Election Day, scores of New Yorkers used social media to show off their sticker and civic pride through our #IVoted campaign.



Facebook

The NYC Votes social media campaign resulted in tremendous engagement on Facebook. NYC Votes had 400 followers when it kicked off its campaign with the sticker design contest in July. Over the next four months, its followers increased nearly 12,000 by Election Day on November 5.

Hundreds of thousands of individuals viewed posts every day in the weeks preceding the election. On Election Day alone, more than 826,000 people viewed or engaged with NYC Votes Facebook posts.

Twitter

NYC Votes had similar success reaching potential voters on Twitter. With close to 6 million combined views and nearly 69,000 engagements, NYC Votes directed a wide range of New Yorkers on Twitter to CFB voter resources in the weeks leading up to Election Day.²⁵

The CFB is always looking for new ways to fulfill its voter engagement and education mandate. With expanded social media and mobile offerings and a growing network of community partners, the CFB has many tools at its disposal to reach and engage a wider audience. One proposal is to host a contest to select a voter-requested question for candidates to answer in their profiles, via the NYC Votes Facebook page. Another is to create more complete candidate profiles by adding campaign finance data submitted by the candidates to their Voter Guide profiles. For the 2017 elections, the CFB will expand its use of technology and traditional outreach methods to connect with more New Yorkers to help bring them to the polls.

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4

Disclosure & Oversight

The Campaign Finance Board's efforts to provide timely disclosure and rigorous enforcement are crucial to keeping the Program strong. Disclosure of how candidates raise and spend their funds allows the voters to hold candidates accountable, and gives candidates and the public confidence that everyone is playing by the same set of rules.

For the 2013 elections, the CFB gave candidates tools and incentives to help them better comply with the disclosure requirements. Improving the technology available to campaigns enabled timely public access to records. New CFB procedures ensured that candidates' disclosures were as complete and accurate as possible.

Every campaign is subject to a rigorous audit review. Before the election, the CFB reviews campaigns to make sure that they qualify for public matching funds. After the election, the CFB performs a post-election audit, ensuring that public funds were spent appropriately. All campaigns, regardless of their participation in the Program, are audited by the CFB.

C-SMART: IMPROVING DISCLOSURE FOR THE PUBLIC

In order to help candidates record, track, and disclose campaign finance data, the CFB provides every campaign registered with the CFB access to its proprietary financial reporting software, known as C-SMART.

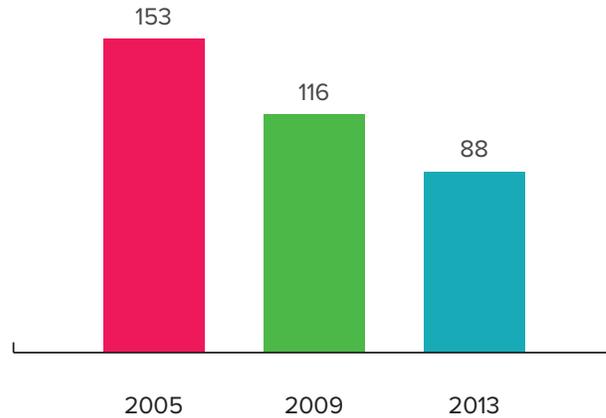
For the 2013 elections, the CFB set out to make C-SMART more accessible and easier for campaigns to use by releasing it as a web-based application in December 2011. While previous desktop versions had to be run on a single computer, the redesigned C-SMART allows candidates, treasurers, and designated campaign staff convenient access to a campaign's financial information from any computer with an Internet connection, using a web browser.

The CFB solicited feedback from candidates and campaign staff after the 2009 election, and incorporated many of the comments into the new C-SMART. The redesign eliminated some data entry, and provided shortcuts to commonly-used screens. A zip code lookup feature normalizes New York City addresses, and contributor addresses are automatically assigned their correct City Council district to help candidates track their progress towards the public funds threshold requirement. Campaigns can now also link individual contributions and expenditures to specific campaign fundraising events. Campaigns may also use the optional letter and email generating module to contact their contributors or vendors, to thank them or request information needed for compliance requirements. As in previous versions, the web-based C-SMART allows candidates to file disclosures with the New York State Board of Elections.

By January 2013, all 2013 campaigns had adopted the new web-based C-SMART program. Results from the 2013 elections suggest that the CFB's improvements to C-SMART helped candidates and campaigns more efficiently comply with the disclosure regulations.

The number of disclosure statements filed late decreased by 24 percent in 2013. While 116 statements were filed late during the 2009 election cycle, only 88 late filings were received in 2013. Eliminating paper and disk filings may have also made it easier for candidates to submit timely disclosures.

Disclosure Statements Filed Late



In a post-election survey sent to candidates, 90 percent of respondents indicated a favorable experience using C-SMART. The CFB will continue to improve the reporting process in C-SMART for the 2017 elections, with a particular focus on streamlining the online submission process for backup documentation. Future enhancements will allow campaigns to use online databases and programs for fundraising and financial management, while retaining existing safeguards to ensure accurate campaign finance disclosure.

Constant improvement to C-SMART helps keep the Campaign Finance Program relevant for all campaigns, big and small. Making it easy for campaigns to disclose their financial information in a complete and timely manner provides the public with the information they require to make informed decisions at the polls.

IN BRIEF: CFB'S DISCLOSURE TOOLS

The CFB's searchable database is a valuable and widely-used disclosure tool. With a simple mouse click, New Yorkers can access detailed information about campaign contributions, expenditures, intermediaries, and more.

The CFB updated the database in 2013 to make it more user-friendly and to provide access to comprehensive contribution and expenditure data from independent spenders.

From January 11, 2013 to January 11, 2014, the searchable database received over 500,000 unique pageviews, making it the most visited page on the CFB's website for that period. The days with the most visits are all filing deadlines (or the day following a deadline) when new information from candidates and independent spenders is posted.

TOP FIVE DAYS FOR SEARCHABLE DATABASE

Date	Page Views
July 16, 2013	19,314
May 15, 2013	18,010
March 15, 2013	15,734
January 15, 2013	15,362
July 15, 2013	14,868

TOP TEN MOST SEARCHED CANDIDATES, JANUARY 11, 2013–JANUARY 11, 2014

Bill de Blasio	44,330
Christine Quinn	31,195
Bill Thompson	21,729
Joseph Lhota	19,911
Anthony Weiner	15,987
John Liu	15,243
Letitia James	11,806
Scott Stringer	11,443
John Catsimatidis	10,335
Daniel Squadron	9,508

The public used the searchable database to find information about intermediaries (or “bundlers”) a total of 14,145 times. The searchable database was used to find more details about independent spenders a total of 5,753 times during the 2013 election year.

Visitors accessed the CFB’s financial summary pages, which also provide links to specific searches on the database, more than 21,000 times.

NYCVOTES.ORG—BRINGING CAMPAIGN CONTRIBUTIONS TO THE MOBILE AGE

The previous few election cycles have seen exponential growth in online fundraising by city campaigns. As e-commerce and social media play a larger role in New Yorkers’ lives, more campaigns are using online platforms to conduct outreach to voters and contributors. In 2013, nearly 40 percent of all money raised by participating campaigns from individuals was given by credit card—twice as much as in 2009. And more candidates are raising a significant portion of their funds via credit card contributions: 29 candidates in the 2013 elections raised at least half their total contributions by credit card, but only two candidates did so in 2009.

The expansion in online contributions has affected the way all campaigns — large and small — have approached their fundraising. Participating City Council campaigns, which historically have been slower to embrace technology, raised 22.5 percent of their total contributions for the 2013 elections online, compared to only 8.2 percent in 2009. Fifty-six percent of participating Council campaigns raised contributions via credit card in 2013.

The growth in online fundraising focuses particular attention on the CFB's requirements for documenting matching contributions made by credit card (practically all of which are made online). Campaigns connecting with supporters online generated nearly 37,000 claims for public matching funds during the 2013 election cycle. Analysis of CFB audit statistics shows that more than one in four of these claims were invalidated during initial staff review because a credit card transaction was not properly verified or documented.

The NYC Votes mobile web application, nycvotes.org, presented an opportunity for the CFB to help candidates more easily document their online credit card contributions. Via the platform, members of the public could donate directly to campaigns that were registered on the site. The NYC Votes development team worked closely with the CFB audit staff to build-in the documentation requirements. As a result, contributions received through the site were much more likely to be accepted as valid for matching.

The platform was introduced in July 2013 as a pilot program; 33 campaigns opened accounts and six campaigns used it to raise contributions. Based on this successful, limited deployment in 2013, the CFB will develop the tool further for the 2017 elections. A desktop version is planned that will give campaigns the ability to embed an NYC Votes contribution widget in their own websites.

AUDITS: HELPING ENSURE CANDIDATES PLAY BY THE RULES

New York City's Campaign Finance Program has survived and thrived for over 25 years in large part because of the CFB's rigorous oversight of the public funds paid to campaigns. Comprehensive audits help ensure that all campaigns participating in the Program are playing by the same rules, and that the disclosures campaigns make to the public are complete and accurate.

In each election cycle, the CFB faces the challenge of conducting audits in a timely way without sacrificing the strict oversight the public has come to expect. For the 2013 election, the CFB took some important steps to make the audits more efficient.

Most campaigns make the bulk of their expenditures — and therefore the disclosure of these expenditures — in the weeks shortly before the election, when campaigns are focused most intently on communicating with voters.* In previous election cycles, CFB staff only performed limited reviews of expenditures prior to the election, which meant that campaigns had limited opportunity to find or correct reporting errors.

In 2013, the CFB initiated a review of all active campaigns before the election to determine if expenditures were being correctly reported. These early reviews of activity in the “out years” (prior to January 1, 2013), provided campaigns with constructive feedback and the opportunity to take corrective action.

* More than 52 percent of expenditures by candidates in the 2013 primary elections were made within one month of the election.

There were three goals for this project:

1. **Enhance the completeness and accuracy of disclosure** so the public has the best possible information about campaigns before Election Day;
2. **Reduce the number and scope of potential findings in post-election audits;** and
3. **Enable the CFB to obtain important documents for the post-election audit** while they are fresh, and before campaign staff disperse at the end of the election.

In early 2013, the CFB contacted all campaigns active at that time — approximately 150 — to request bank statements through the end of 2012. For the 110 campaigns that supplied the requested records, CFB auditors reconciled the activity reported on their disclosure statements with the actual activity reflected on their bank statements.

CFB reviews identified \$1,035,383 in unreported or misreported transactions. Many of these transactions represented inadvertent misreporting. The reconciliation also helped the CFB identify campaign bank accounts that had not been disclosed to the CFB.

In April and May 2013, the CFB sent reconciliation reports to 124 still-active campaigns showing the variance between reported and actual transactions, as well as details on the unreported, uncleared, and duplicate transactions causing the variances.* (Reports were also sent to campaigns that had not provided the requested documentation.)

This feedback allowed campaigns the opportunity to correct discrepancies. In the months following these notifications, 95 of the 124 campaigns (77 percent) amended one or more disclosure statements, including four campaigns whose previous reporting had each omitted more than \$50,000 in spending. For instance, the mayoral campaign of Anthony Weiner amended its filings to report more than \$60,000 in previously undisclosed expenditures.¹

* A credit variance is a measure of the difference between the deposits appearing on bank statements, and transactions — such as contributions — reported by a campaign in its disclosure statements. A debit variance is a measure of the difference between the disbursements appearing on bank statements, and transactions — such as expenditures — reported by a campaign in its disclosure statements. The CFB computed the percentage variance by subtracting the total amounts appearing on bank statements from the total reported amounts, and then dividing by total reported amounts. Thus, if a campaign had both unreported items and uncleared items, they offset each other.

**NUMBER OF CAMPAIGNS WITH VARIANCES IDENTIFIED
THROUGH PRE-ELECTION AUDITING, 2013 ELECTIONS**

\$ Amount Variance	Credit Variance Number of Campaigns		Debit Variance Number of Campaigns	
	Notified	Amended	Notified	Amended
>\$100,000	5	4	0	0
\$100,000–\$10,001	31	25	27	22
\$10,000–\$1,001	33	26	36	28
\$1,000–\$101	27	17	25	20
<=\$100	28	23	36	25
TOTAL	124	95	124	95

For some campaigns, the unreported transactions constituted significant percentages of their overall activity. Identifying these discrepancies early on may have prevented some of these campaigns from unwittingly exceeding the spending limit.

Resolving discrepancies like those identified through these early reconciliations and correcting the items should help campaigns avoid these potential violations of the Act:

- Unreported expenditures
- Unreported contributions
- Unreported in-kind contributions
- Unreported corporate contributions
- Undisclosed bank accounts
- Commingling*

Just as important, the early reconciliations helped campaigns better understand their obligation to keep complete records. Conducting these initial reviews well before the election provided important and timely feedback to campaigns, and ensured the public got a fuller, more accurate picture of campaigns' spending.

Looking forward to the 2017 election cycle, the CFB hopes to regularize the earlier reconciliation of financial activity. The CFB will continue to assist campaigns in correcting discrepancies in their reporting and improving public disclosure.

* Receipts accepted from one election cannot be mixed in any account with receipts from any other election with some exceptions. Board Rule 2-06.

LIMITING “DOING BUSINESS” CONTRIBUTIONS

The 2013 elections were the first full four-year election cycle conducted under New York City’s doing business law, which mandates strict, low limits on contributions from people who do business with the city. The restrictions, which took effect in the middle of the 2009 election cycle, apply to all registered lobbyists and certain individuals associated with entities that do business with the city, specifically their owners, principal officers, and senior managers.²

Contributions from these individuals are not eligible to be matched with public funds and may not exceed the following limits:

Mayor/Public Advocate/Comptroller	\$400
Borough President	\$320
City Council Member	\$250

New York City’s law provides more robust protections against pay-to-play than do similar regulations in other jurisdictions.³ It covers a wide variety of transactions, including pension fund investment contracts, economic development agreements, and land use actions, as well as a number of different individuals, including proposers and applicants for and recipients of city contracts.

The Mayor’s Office of Contract Services (MOCS) collects information about transactions, entities, and individuals covered by the restrictions, and based on this information the Department of Information Technology and Telecommunication (DOITT) updates the Doing Business Database. The type of transaction determines how long individuals remain in the database.

Following each required campaign finance disclosure, the CFB reviews every campaign’s filing to identify contributions from individuals covered by the doing business law. The CFB notifies campaigns of any contributions that exceed the relevant limit within 20 days. During the six weeks preceding an election, campaigns receive such notifications within three business days.

Upon notification by the CFB, campaigns that issue a refund for the over-the-limit portion of those contributions within 20 days are not considered to be in violation of the Act, nor do they face a penalty.

In 2008, the doing business provisions were challenged in a suit filed in the United States District Court, Southern District of New York. It was alleged that the doing business provisions as well as parts of the lobbying laws violated the First and Fourteenth Amendments to the Constitution, as well as the Voting Rights Act of 1965. In February 2009, U.S. District Court Judge Laura Taylor Swain ruled in favor of the city.⁴ In December 2011, following an appeal, the U.S. Court of Appeals for the Second Circuit upheld the lower court.

Analysis

The enactment of the doing business law has had a significant impact upon the volume and scope of contributions from individuals who may have, or appear to have, something to gain from making such contributions.

VOLUME OF DOING BUSINESS CONTRIBUTIONS IN NYC ELECTIONS, 2001–2013				
	2001*	2005*	2009†	2013
% of Contributors	3.8	5.3	4.8	2.1
% of Total Value of Contributions	25.2	21.5	5.9‡	2.0§
Value of “Doing Business” Contributions	\$11,931,017	\$8,626,611	\$2,593,159	\$1,325,805
* estimate † Partial estimate. The doing business regulations took effect in the middle of the 2009 election cycle. ‡ Calculated on total contributions of \$39,500,000, New York City Campaign Finance Board, 2009 Post-Election Report, <i>New Yorkers Make Their Voices Heard</i> , pg. 158. § Calculated on total contributions excluding candidate contributions to their own campaign and contributions to “terminated” candidates.				

Just 2 percent of all contributors in the 2013 elections were individuals with a business relationship with the city. That’s a precipitous drop from previous citywide election cycles, when those contributions made up a significant portion of campaign contributions. Without the strict limits, the amount of those contributions was more than 10 times higher in 2001— and accounted for 25 percent of the total value of contributions raised.⁵ Since 2001, the proportion of individual contributors who have a business relationship with the city has fallen nearly by half, but the impact of their contributions has been reduced by more than 90 percent.

The average value of doing business contributions during the 2013 elections was around \$200, compared to more than \$440 average contribution size for all contributions from individuals. As intended, the law allows these few individual contributors who hold a business relationship with city government to participate, but ensures that the value of their contributions is no longer disproportionately large.

The 2013 data indicates a trend towards self-regulation, as candidates grow more familiar with the law and contributors become aware of the limits. Around 20 percent of contributions from individuals covered by the doing business limits were for amounts matching the limit of the relevant office.

The CFB’s doing business reviews also reduce the influence of those contributors because those contributions are not eligible to be matched. More than 2,600 doing business contributions were claimed for matching funds out of 6,640 total doing business contributions; the CFB’s review identified them as not eligible. These reviews reduced the public funds payments in 2013 by a total of \$1,910,664, or 5 percent of the total public funds disbursed in 2013.*

* The value of the contributions that was claimed for match was multiplied by the 6-to-1 matching factor.

**NUMBER OF CONTRIBUTORS IN THE DOING BUSINESS DATABASE
BY TYPE OF TRANSACTION, 2013 ELECTIONS**

	Number of People	Number of Contributors	% Contributors
Land Use	91	18	20
Real Property	2,681	490	18
Grants	746	110	15
Economic Development	1,616	219	14
Lobbying	5,326	549	10
Concessions and Franchises	307	31	10
Contracts	36,339	2,188	6
Pension Fund Investment	2,269	45	2
Total	49,375	3,650	7

There are different patterns of contribution activity among individuals associated with various doing business relationships. A number of people engage in more than one type of business transaction with the city, so any contribution from those individuals is associated with multiple transaction types. This makes it impossible to calculate how much of the money is contributed by different doing business types.*

Generally, individuals that are engaged in real estate transactions or who have land use matters before the city are more likely to make contributions to candidates. Pension fund investors, who are typically subject to Securities and Exchange Commission regulations on political donations, generally refrain from making contributions.

* See the table: Top 10 Doing Business Contributors, 2013 Elections (Ranked by New Contribution Amount).

DOING BUSINESS CONTRIBUTIONS BY OFFICE, 2013 ELECTIONS

Office	Number of Candidates with Doing Business Contributions	Amount of Doing Business Contributions (Net of Refunds)	Number of Doing Business Contributions	Average Doing Business Contribution Size (Net of Refunds)
Mayor	11	\$ 538,894	2,083	\$259
Public Advocate	4	\$ 136,493	713	\$191
Comptroller	3	\$ 100,722	414	\$243
Borough President	11	\$ 211,600	1,113	\$190
City Council	132	\$ 338,097	2,317	\$146
Total	161	\$1,325,806	6,640	\$200

TOP 10 DOING BUSINESS CONTRIBUTORS, 2013 ELECTIONS (RANKED BY NET CONTRIBUTION AMOUNT)

	Name	Candidates Contributed to	Contributions (Net of Refunds)	Doing Business Type	Bundled Amount
1	Francis Greenburger	16	\$5,620	Land Use	\$43,650
2	Thomas McMahon	23	\$5,490	Lobbying	\$10,350
3	Claudia Wagner	21	\$5,115	Lobbying	—
4	Joshua Muss	14	\$4,710	Lobbying, Real Property, Land Use, Contracts	—
5	Joni Yoswein	20	\$4,690	Lobbying	—
6	Edward Wallace	16	\$4,650	Lobbying	\$16,875
7	James Van Bramer	19	\$4,350	Lobbying	—
8	James Capalino	16	\$3,990	Lobbying, Contracts	—
9	Mark Thompson	18	\$3,615	Lobbying, Contracts	—
10	Laura Jean Hawkins	15	\$3,100	Lobbying	\$ 1,260

In 2013, 10 percent of registered lobbyists made contributions, putting them in the middle rank, as a group, in frequency of contributing. However, the lobbyists who made contributions tended to do so prolifically. Lobbyists hold nine of the top ten ranks for doing business contributions.

Intermediaries

While city law places strict, low limits on the size of contributions from individuals in the Doing Business Database, there are no limits on the number or amount of contributions those individuals may intermediate, or “bundle.” Some argue that soliciting or delivering contributions given by others allows intermediaries to skirt regulations aimed at restricting their contributions and limiting their influence.

Individuals who do business with the city bundled more than \$2.7 million in contributions to candidates during the 2013 elections. Just 220 individuals delivered that amount, which is more than double the value of contributions made directly to candidates by all 5,522 individuals in the Doing Business Database.

Doing business intermediaries represent 18 percent of the total number of bundlers in the 2013 election cycle. Those doing business intermediaries raised 25 percent of the total intermediated funds reported to the CFB.

**TOP 10 INTERMEDIARIES IN THE DOING BUSINESS DATABASE,
2013 ELECTIONS BY TOTAL VALUE OF INTERMEDIATED CONTRIBUTIONS**

	Intermediary	Candidates	Amount Intermediated*	Doing Business Type
1	Michael Woloz	de Blasio, Garodnick, Katz	\$270,465	Lobbying
2	Charles Dorego	de Blasio, Lappin, Stringer	\$167,500	Real Property
3	Alexander Rovt	de Blasio, Stringer, Weiner	\$141,996	Real Property
4	Jay Kriegel	de Blasio, Jackson, Quinn, Stringer, Thompson	\$110,445	Lobbying
5	Jay Eisenhofer	de Blasio, Stringer	\$104,525	Contracts
6	Jed Walentas	Quinn, Squadron, Stringer, Thompson, Weiner	\$100,120	Economic Development
7	Gina Argento Ciafone	de Blasio	\$ 97,780	Land Use
8	Lela Goren	Garodnick, Lappin, Quinn, Stringer	\$ 75,708	Lobbying, Contracts
9	Alfonse D'Amato	Thompson	\$ 69,800	Lobbying
10	Mario Palumbo	Quinn	\$ 61,525	Contracts

Includes all bundled contributions throughout the 2013 election cycle, even if the bundler was not in the Doing Business Database at the time that the contribution was raised. The data in this section is net of refunds and based on data after certain post-election amendments were filed that modified and updated intermediary data. In all other ways, the data is identical to that used in the rest of this report.

The average contribution intermediated by a doing business contributor was \$806, or 29 percent higher than the average contribution intermediated by someone not covered by the law. Likewise, the average total value of contributions bundled by a doing business intermediary was \$12,484, or 33 percent higher than intermediaries who are not doing business.

**CONTRIBUTIONS BUNDLED BY INDIVIDUALS IN THE DOING BUSINESS DATABASE,
BY OFFICE, 2013 ELECTIONS**

Office	Total Contributions*	Doing Business Bundled Contributions	% of Total	Number of Doing Business Bundled Contributions	Average Doing Business Bundled Amount
Mayor	\$37,292,293	\$1,792,938	4.8	2,260	\$ 793
Public Advocate	\$ 4,902,826	\$ 47,450	1.0	62	\$ 765
Comptroller	\$ 3,681,369	\$ 688,380	18.7	613	\$1,123
Borough President	\$ 7,295,680	\$ 133,170	1.8	213	\$ 625
City Council	\$11,842,238	\$ 84,629	0.7	259	\$ 327
Total	\$65,014,406	\$2,746,567	4.0	3,407	\$ 806

* Includes contributions to all candidates, both participants and non-participants. Does not include transfers received or contributions made by a candidate to his or her own campaign.

Bundled contributions from individuals in the Doing Business Database account for a significantly higher portion, nearly 19 percent, of all contributions to candidates in the comptroller race compared to other offices.*

That doing business individuals are so much more likely to act as intermediaries compared to all other contributors, as well as the larger quantities bundled by doing business intermediaries, suggests the possibility of real or perceived instances of pay-to-play stemming from intermediated contributions. [See Chapter 5, Legislative Proposals.]

ENFORCEMENT PROCESS

By providing compliance trainings, publishing the Campaign Finance Handbook and other guidance documents, and conducting on-site visits, the CFB helps campaigns comply with Program requirements. The CFB's tough but fair enforcement of the Act and Rules helps give the public and candidates the confidence that everyone is playing by the rules.

CFB staff investigate potential violations of the Campaign Finance Act and Board Rules both before and after each election. Prior to the election, the CFB's work ensures that campaigns qualify for public funds according to the rules. At the conclusion of the audit, the Board assesses penalties for violations of the Act and Rules and requires campaigns to return any public funds that were not spent appropriately. Enforcement serves to prevent candidates from gaining an unfair advantage over their opponents and helps safeguard taxpayer dollars.

* One candidate, Scott Stringer, raised 98 percent of all contributions from individuals in the comptroller race. Does not include contributions totaling more than \$10 million that Eliot Spitzer made to finance his own campaign.

Public Funds: Protecting the Public's Investment

The Campaign Finance Program represents a significant public investment in fairer, cleaner elections for New York City. Since its inception more than 25 years ago, proponents have recognized that public confidence in the Program depends on the idea that public funds are not given as an unconditional entitlement. Payments are made only to those campaigns that play by the rules.

The Act provides that in order to become eligible for matching funds, participating campaigns must demonstrate their viability by collecting small contributions from their supporters (also known as “meeting threshold”)⁶ and demonstrating their compliance with the Act and Rules.⁷ The Act requires that to be eligible for public funds, candidates and treasurers must certify that they agree to comply with all applicable laws, rules, and regulations.⁸ The obligation to comply with the Act and Rules applies equally to the candidate, the candidate’s treasurer, and the candidate’s committee, and they are individually and jointly liable for violations and penalties.⁹

In furtherance of these mandates and by long-standing rule of the Board, public matching funds may not be issued before an election if the Board has reason to believe that violations of the Act and Board Rules have been committed.¹⁰ That is why campaigns must maintain accurate records sufficient to demonstrate compliance with the Act and Rules. Without a complete and accurate set of records that demonstrates compliance, the Board may deny payment of public matching funds.¹¹

The Act and Rules contain additional safeguards to prevent the issuance of taxpayer funds to campaigns that run afoul of the law. Among other reasons, the Board may withhold pre-election public funds where a campaign:

- fails to meet the viability threshold criteria of the Act and Rules;¹²
- commits fraud in the course of Program participation, or is found to be in breach of certification;¹³
- owes penalties or public funds from a previous election to the Board;¹⁴
- fails to demonstrate compliance with Conflict of Interest Board rules;¹⁵
- accepts and fails to return an over-the-limit contribution;¹⁶
- accepts and fails to return a contribution from an unregistered political committee;¹⁷
- accepts and fails to return a contribution from a corporation, partnership, LLP, or LLC;¹⁸
- submits substantially erroneous documentation in support of its matching claims;¹⁹
- fails to submit required contributor employment information for a substantial percentage of reported contributions;²⁰
- fails to submit a required disclosure statement;²¹
- exceeds the expenditure limit;²²
- endorses or publicly supports an opponent;²³
- loses the primary, certifies to the Board that it will actively campaign in the general election on another line, and thereafter fails to do so;²⁴
- fails to participate in a required debate;²⁵ or
- fails to provide documents and records upon request of the Board.²⁶

In accordance with the law, the Board declined to make pre-election public matching funds payments to 53 participating campaigns in 2013.* Of those, 43 failed to meet threshold, two faced no opposition on the ballot, and three declined payment. Five campaigns were denied public funds before the election because the Board made preliminary findings of substantial violations in the course of reviewing the campaign's disclosure statements.

Due Process

The Act and Rules also contain procedural safeguards to limit the Board's discretion and protect each campaign's right to due process. First and foremost, the Board's pre-election public funds determinations are not final. If the Board determines that a particular campaign is not eligible for payment at a given time, such determination is *preliminary*, subject to review of ongoing financial activity and final audit.²⁷ In 2013, 48 campaigns that were initially denied public funds later received pre-election payments. Additionally, campaigns denied pre-election public matching funds are afforded opportunities to demonstrate their eligibility throughout the post-election audit, and receive payments at its conclusion.[†]

The Act also extends campaigns the opportunity to appeal the Board's public funds payment decisions. Pursuant to Rule 5-02(a), campaigns may petition the Board to reconsider a non-payment or payment amount. In 2013, seven candidates filed Rule 5-02(a) petitions. Campaigns seeking further relief may file an Article 78 proceeding to appeal the Board's decision in New York State Supreme Court, although no campaign did so in 2013.

The law requires that payments be made late in the election cycle, once the ballot is set. This timeframe increases the time pressure on these outside reviews, conducted during the most intense weeks of the election cycle. Earlier preliminary determinations on payments may encourage candidates to resolve questions and potential violations prior to the elections, and will give them more time to do so. [See Chapter 5, Legislative Proposals.]

Statements of Need

The Act's "sure winner" provisions²⁸ are intended to avoid allocating excessive public funding to a participating candidate who faces minimal opposition.²⁹ Candidates who wish to receive a full payment of public funds, up to the statutory maximum, must make a showing that they face a serious opponent.³⁰ Candidates who face only nominal opposition receive no more than 25 percent of the maximum public funds payment for that office.[‡]

During the 2009 election, a participating candidate could receive a maximum payment if any opponent raised or spent at least 20 percent of the applicable spending limit or he/she made a showing of need based on any one of seven criteria listed in the Act (the "Statement of Need"). However, an April 2013 U.S. District Court ruling in *Ognibene v. Parkes* declared the 20 percent "trigger" unconstitutional.³¹ As a result, this trigger was not in effect for the 2013 election. Except for candidates running in a primary election for an open seat, every candidate who wished to qualify for up to the maximum payment was required to submit a

* In 2009, the Board denied pre-election public funds payments to 56 participating candidates. In 2005, 53.

† Eighteen campaigns in the 2009 elections received post-election payments at the end of the post-election audits. Another two campaigns qualified for post-election payments that were offset by penalties.

‡ For example, the maximum public funds payment available to a Council candidate for the 2013 election was \$92,400. For candidates without a serious opponent, payments were capped at \$23,100.

Statement of Need based upon one or more of the factors provided in the Act.* The statements, along with the documentation provided by the campaigns, were posted to the CFB website as they were received.

Because the Court’s decision late in the election cycle left the Statement of Need as the only mechanism available to candidates seeking funds in excess of the 25 percent cap, meaningful comparisons to previous elections are impossible. In the 2013 primary election, 32 candidates in the primary submitted Certified Statements of Need; 30 of those candidates submitted documentation sufficient to demonstrate they faced a serious opponent.† The total included several challengers, who had only to show that they were opposed by an incumbent. In the general election, 44 candidates submitted Statements of Need; all were determined to have demonstrated more than nominal opposition.‡

CANDIDATES SUBMITTING VALID STATEMENTS OF NEED, 2013 ELECTIONS						
	PRIMARY			GENERAL		
	Valid Statements of Need	Paid Above 25% Cap	Received 60%+ of the Vote	Valid Statements of Need	Paid Above 25% Cap	Received 60%+ of the Vote
Challengers	20	14	0	9	8	0
Incumbents	10	9	5	7	7	5
Open Seats	—	—	—	28	24	9

In the primary and general elections combined, incumbents who submitted valid Statements of Need and won election with more than 60 percent of the vote were paid \$636,404 in excess of the 25 percent cap. Several of those candidates went on to win in the general election by even greater margins, which demonstrates the difficulty of providing objective criteria in the Act to judge the potential for a competitive election. A simpler, narrower set of criteria may help to better protect public funds and ensure better predictability for campaigns seeking to manage their budgets. [See Chapter 5, Legislative Proposals.]

Post-Election Audits

Many potential violations are uncovered during the post-election audit. All candidates that were on the ballot receive a comprehensive audit unless they had little financial activity, in which case they are subject to a limited review. Campaigns are given several opportunities to respond to audit findings. Some issues can be resolved, for example by correcting misreported transactions or providing additional documentation. Violations that have not been resolved are referred to CFB legal staff who may recommend penalties in an administrative proceeding before the Board or, if the campaign wishes, before an administrative law judge

* Candidates competing in an open-seat primary election are not required to make a showing of need. *See* Admin. Code §3-705(7)(c) (Where “the participating candidate is opposed in a primary or special election for an office for which no incumbent is seeking re-election...the board shall pay any and all additional public funds due to the participating candidate up to the maximum total payment applicable in such election.”).

† An additional two candidates filed statements that were unnecessary because they were running for an open seat; three candidates filed Statements of Need and were subsequently removed from the ballot.

‡ One candidate filed and subsequently withdrew a Statement of Need.

from the Office of Administrative Trials and Hearings. Campaigns are given the opportunity to respond to the penalty recommendations both in writing and in person. Public funds repayment determinations are also made in administrative procedures.³²

The Board is authorized to assess penalties of up to \$10,000 per violation — and even more in the case of an expenditure limit violation or a failure to participate in the post-election audit.* In addition, the Board may require the return of all public funds received for very serious violations such as the submission of fraudulent claims for matching funds.³³

2009 ENFORCEMENT FACTS AND FIGURES			
Total candidates registered with the CFB for 2009 elections		232*	
Penalties Assessed			
Number of campaigns penalized		89†	
Total amount of penalties assessed		\$690,896‡	
Median penalty amount assessed		\$250§	
Median penalty amount assessed, per campaign		\$3,786¶	
Five most common violations**	1	Accepting corporate contributions	57 campaigns
	2	Accepting over-the-limit contributions	38 campaigns
	3	Accepting contributions over the doing business limit	34 campaigns
	4	Improper post-election expenditures	30 campaigns
	5	Filing disclosure statement late	29 campaigns
Public Funds Repayments			
Total number of campaigns that received public funds		140	
Total number of campaigns with repayment obligations		87††	
Total amount of repayment obligations		\$1,580,727	
Public funds repayments stemming from remaining bank balance		\$401,322	
<p>* Does not include terminated candidates</p> <p>† As of July 15, 2014, five post-election audits from the 2009 election cycle were still in progress.</p> <p>‡ Penalties assessed to four campaigns account for nearly one-third of the total amount of penalties assessed in the 2009 elections.</p> <p>§ Median of total penalties by penalty type for each candidate.</p> <p>¶ Median of the total penalties per campaign.</p> <p>** Based on number of campaigns receiving the penalty.</p> <p>†† Of the 87 campaigns with a public funds repayment obligation, 52 arose from a remaining bank balance. [See discussion of Fields decision in this chapter.]</p>			

* The Board revised its penalty guidelines for the 2009 election cycle to ensure that the penalties recommended were in keeping with the size of the campaign.

Complaints

While the post-election audits uncover many violations of the Act and Rules, CFB staff also learn of potential violations through complaints received prior to the election. All complaints filed in accordance with the requirements for formal complaints³⁴ are investigated if they allege a violation of the Act or Rules. Informal complaints may also be investigated but are not subject to the same procedural requirements as formal complaints. Complaints that fall outside the CFB's jurisdiction may be referred to the appropriate investigative body.

Campaigns are sent a copy of all formal complaints made against them, and are given an opportunity to submit a response. Depending on the nature of the allegations, CFB staff may take additional steps such as interviewing contributors or campaign workers.

During the 2013 elections, the Board received a total of 41 complaints (20 formal and 21 informal) alleging a variety of violations. Of those, 24 (all 20 formal and four informal) were sent to the campaigns that were the subject of the complaints for response: ten were dismissed based on the campaign's written response, while nine others were dismissed after the campaign took remedial action. Remedial action resulting in the dismissal of a complaint does not necessarily mean that a violation has been resolved; for example, the acceptance of a prohibited contribution may result in a penalty even if the contribution was returned to the contributor before the election. The remaining five complaints have not been resolved, and will be investigated further during the post-election audit.

As in past elections, in most cases the complainant was a candidate or an individual known to be affiliated with a campaign. Most complaints received in 2013 appeared to have been filed in good faith, but others may have been conceived as campaign tactics. One campaign, for instance, filed five formal complaints against its opponents, including four complaints against a single opponent. Each of these complaints was dismissed with no remedial action required. Nonetheless, the CFB continues to believe that complaints are an important source of information about potential violations, and remains committed to the investigation of all complaints.

Government-Funded Mass Mailings

The CFB has investigative and enforcement jurisdiction over the New York City Charter's "mass mailing" restrictions.* These restrictions prevent public servants who are also running for office from using governmental resources to send mass mailings during the 90 days preceding an election, subject to certain exceptions such as communications required by law, communications necessary to safeguard public health, and "ordinary communications."³⁵ The purpose of the law is to prevent public servants from gaining an unfair advantage over other candidates under the guise of official communications to constituents.

During the 2013 elections, CFB staff received 246 inquiries from public servants asking whether specific planned mass mailings fell within one of the exceptions under the Charter — compared with only 92

* Pursuant to N.Y.C. Charter § 1136.1(4), the CFB has the "power to investigate and determine whether any use of governmental funds or resources" pursuant to Charter § 1136.1(2)(b) is a violation and whether such use of governmental resources also constitutes a contribution and/or expenditure. A "mass mailing" is defined as "identical or nearly identical pieces of literature or other mass communication totaling more than one hundred items, including but not limited to newsletters, pamphlets and informational materials, which are mailed to residents or voters, or any group or classification thereof, other than in response to specific inquiries or requests made by members of the public." N.Y.C. Charter § 1136.1(1)(e).

IN BRIEF: COMPLAINT AGAINST THE 2009 BLOOMBERG CAMPAIGN

On December 1, 2011, the CFB received a complaint against the 2009 mayoral campaign of Michael R. Bloomberg. The complaint, filed by Gerald F. Kann, alleged that the Bloomberg campaign had violated the Act by failing to disclose payments totaling \$1.2 million from Bloomberg's personal funds to the Independence Party's "Housekeeping" Committee Account. The payments were intended to finance a "poll watching" operation on Election Day.

In October 2011, John Haggerty, Jr., a political consultant who was supposed to run the Election Day operation, had been convicted of stealing most of these funds.³⁷ CFB staff had been investigating Bloomberg's payments to the Independence Party and had followed the Haggerty trial closely.

Kann's complaint alleged that the Bloomberg payments constituted a "back-channel method of funding the poll-watching operation" for the purpose of "concealment of campaign expenditures." It followed a similar complaint filed in October 2009 by the campaign committee of William C. Thompson, Jr. (aka Bill Thompson, who also ran for mayor in 2013) alleging that the Bloomberg campaign had violated the Act's disclosure requirements by failing to report political contributions totaling \$3.3 million made by Bloomberg from personal funds.*

* In response to the Thompson complaint, the Board issued Final Determination No. 2009-1 (October 21, 2009), which stated that although political contributions are presumptively campaign expenditures subject to disclosure, the Bloomberg campaign had not committed a violation because the Board had "never previously clarified to candidates that they must report to the Board political contributions made with personal funds." The Board further held that candidates would be required to disclose contributions "over \$99 to non-candidate political committees that support candidates in New York City and throughout New York State" beginning on January 11, 2010.

The Board dismissed the Kann complaint in Final Board Determination No. 2012-1 (October 18, 2012), which stated that the payments to the Independence Party were personal contributions and did not have to be reported to the CFB because they were made before the requirement to report such contributions became effective on January 11, 2010. However, while determining there was no violation, the Board stated that the Bloomberg campaign had "moved deliberately to avoid pre-election public disclosure" and thus had "contravened the spirit of disclosure underlying the Act and Board rules."

Further, the Board stated that the payments did not result in an in-kind contribution to the Bloomberg campaign because — due to Haggerty's theft — there was no evidence of actual expenditures made to the campaign's benefit. In addition, the planned expenditures would not have been considered to be made for the benefit of the campaign, because under state election law funds transferred to a party housekeeping account cannot be used to benefit a specific candidate.

The Board called on New York State legislators to close the "housekeeping committee loophole." The Board noted: "When stripped of legal artifice, housekeeping arrangements are, at best, hostile to the principles of fair play and transparency which form the building blocks of New York City's campaign finance regime and provide the reason for this Board's existence. At worst, housekeeping committees may provide legal cover for corruption or engender the appearance of corruption."³⁸

State election law exempts "housekeeping committees" from filing disclosure reports timed to elections, and requires them to file only periodic reports twice per year.

inquiries during the 2009 elections. The CFB staff found that 209 of the 229 mailings submitted for approval were allowable, while the others might violate the Charter if sent as drafted.

Based on its experience in 2013, the CFB recommends changes to the Charter to clarify and simplify the mass mailing provision and provide for more consistent enforcement.

The Board believes that the meaning of “ordinary communications” should be clarified. An elected official or public servant may use government resources for a mass mailing within the 90-day blackout period if it is for “ordinary communications between elected officials and their constituents or ordinary communications between public servants and members of the public.”³⁶ “Ordinary communications” is not otherwise defined in the Charter, and the majority of inquiries received by the CFB during the 2013 elections concerned these types of communications, indicating considerable uncertainty about the law. [See Chapter 5, Legislative Proposals.]

SIGNIFICANT LEGISLATIVE CHANGES AND COURT DECISIONS

Charter Revision 2010: Independent Expenditures and Voter Assistance

On November 2, 2010, the voters of New York City approved ballot measures amending the New York City Charter. Two of these proposals granted new mandates to the CFB for the 2013 elections.³⁹

One new Charter provision gave the CFB jurisdiction over the disclosure of independent expenditures — i.e., spending that is intended to influence an election but that is made without any coordination between the spender and any campaign. The amendment provides that persons or entities making independent expenditures in city elections totaling \$1,000 or more must report the spending, and that entities making independent expenditures totaling \$5,000 or more must also disclose the sources of their funding.⁴⁰ [See Chapter 2 for analysis of independent expenditures during the 2013 city elections.]

Another Charter amendment consolidated the activities of the Voter Assistance Commission (VAC) within the CFB. VAC, created in 1988, worked to increase voter registration and voting in city elections. The Charter Revision Commission recognized that the CFB’s dedicated funding, organizational structure, and reputation for non-partisanship and independence would provide a strong foundation for the city’s voter assistance efforts.⁴¹ The amendment also created the Voter Assistance Advisory Committee (VAAC), a nine-member board that advises the CFB on issues related to voter engagement. The CFB’s voter engagement activities during the 2013 elections are discussed in Chapter 3.

Local Law 15 of 2013

Following the 2010 Charter amendments, the City Council considered legislation that would have excluded certain expenditures from the new independent expenditure disclosure requirements. The CFB objected to the legislation. As enacted, the legislation modified the mandate for disclosure of independent expenditures, making spending for “membership communications” exempt from the requirement. Further discussion of Local Law 15 of 2013 can be found in Chapter 2.

Ognibene v. Parkes

In 2008, Tom Ognibene, then a candidate for city office, along with lobbyists and other interested parties, brought suit in federal court challenging the constitutionality of certain provisions of the Campaign Finance Act.⁴² Among other provisions, the plaintiffs objected to the Act's prohibitions against accepting contributions from corporations, limited liability companies (LLCs), and partnerships. They also objected to the pay-to-play rules, enacted in 2007, under which contributions from individuals doing business with the city, including certain lobbyists, are subject to lower limits and cannot be matched with public funds.⁴³

Both the District Court, in 2009, and the Second Circuit, in 2011, resoundingly upheld the constitutionality of these provisions of the Act.⁴⁴

The courts held that the ban on contributions from corporations, LLCs, and partnerships serves the city's interest in protecting against real and perceived corruption in elections. The Second Circuit stated that "the organizational form of an LLC, LLP, and partnership, like a corporation, creates the opportunity for an individual donor to circumvent valid contribution limits."⁴⁵

The Second Circuit also held that the low limits on lobbyists, contractors, and other individuals doing business with the city were "closely drawn to address the significant governmental interest in reducing corruption or the appearance thereof."⁴⁶ The court further upheld the prohibition against matching doing business contributions, noting that the ban "does not prevent someone from making a contribution, but it does minimize the value of the contribution."⁴⁷

The plaintiffs appealed the decision, but the Supreme Court declined to hear the case, allowing the Second Circuit's ruling to stand.⁴⁸

Other provisions of the Act were challenged in *Ognibene* following the Supreme Court's decision in *Arizona Free Enterprise*,⁴⁹ as discussed below.

Arizona Free Enterprise Club v. Bennett

The U.S. Supreme Court's decision in *Arizona Free Enterprise Club v. Bennett* resulted in a significant change to the Campaign Finance Program during the 2013 elections. Candidates participating in Arizona's public campaign financing system receive all of their campaign funds from that state's public campaign financing system. Candidates opposed by high-spending non-participants or high-spending independent expenditure campaigns could receive additional public funding.⁵⁰

The Court's decision specifically upheld the constitutionality of public financing of election campaigns, finding that public financing "can further 'significant governmental interest[s],' such as the state interest in preventing corruption." However, the Court struck down the "bonus" trigger provisions. In a 5-4 decision authored by Chief Justice John Roberts, the Court ruled that the "bonus" funds provisions placed a substantial First Amendment burden on non-participants and independent expenditure groups, and found them to be unconstitutional.⁵¹

The CFB's 2009 Post-Election Report noted that there was no evidence that non-participating candidates in New York City felt constrained by the fact that their own spending could trigger bonus matching funds to their opponents.⁵² Nevertheless, following the *Arizona Free Enterprise* ruling, the parties in *Ognibene* entered into an agreement stipulating that the Act's "bonus provisions" were unconstitutional and would not be enforced.⁵³

The plaintiffs in *Ognibene* also challenged the Act’s “expenditure limit relief” and “sure winner” provisions.⁵⁴

The “expenditure limit relief” provision increases or removes the spending limit for participating candidates opposed by non-participants based on the amount spent by the non-participant.⁵⁵ This provision is intended to reduce the burden imposed by the Program’s expenditure limits on participants whose opponents are not bound by such limits.

The court in *Ognibene* upheld the expenditure limit relief provisions because, unlike the scheme struck down in *Arizona Free Enterprise*, they “do not put non-participating candidates to the choice of refraining from speech or causing their participating opponents to receive direct infusions of public money.”⁵⁶

In order to conserve taxpayer dollars in races where there is little opposition, the Act’s “sure winner” provision caps matching funds available to participants who face minimal opposition unless an opponent has raised or spent at least 20 percent of the applicable spending limit. A participant seeking a full payment of public funds may also submit a Statement of Need verifying that an opponent meets at least one of seven criteria showing the opponent constitutes a serious challenge.⁵⁷

The court upheld the use of criteria in the Statement of Need to determine whether a participant’s opponent constitutes a legitimate challenge.⁵⁸ However, the court held that the 20 percent “trigger” was an undue burden on the First Amendment rights of candidates, and that the provisions could not be justified by the government’s interest in preventing corruption or the appearance thereof.⁵⁹ As a result, during the 2013 elections, the Board required a Statement of Need from all participants seeking the maximum amount of public funds, regardless of the level of spending and fundraising by that candidate’s opponents.⁶⁰ [See Chapter 5, Legislative Proposals.

McDonald v. New York City Campaign Finance Board

In January 2013, Doe Fund founder and Republican mayoral hopeful George McDonald filed a lawsuit in New York State Supreme Court for New York County challenging the Campaign Finance Act’s contribution limits and prohibitions as applied to candidates who choose not to participate in the Campaign Finance Program. Local Law 60 of 2004 had extended the Act’s contribution limits and source restrictions — i.e., the ban on contributions from corporations, LLCs, and partnerships — to non-participating candidates. McDonald argued that the contribution limits and source restrictions should not apply to non-participants because they conflict with the more permissive rules under New York State Election Law.⁶¹

Hoping to obtain a quick and favorable ruling, McDonald solicited and accepted contributions prohibited by the Act.⁶² By late March, 2013, however, the court had yet to render a decision. Facing a fundraising shortfall, McDonald told reporters that he planned to join the Campaign Finance Program and seek matching public funds while continuing to pursue his lawsuit. McDonald would ultimately run as a non-participating candidate.

In May 2013, the court dismissed McDonald’s lawsuit and upheld the Act’s contribution limits and source restrictions.⁶³

McDonald appealed the decision, but in May 2014, the Appellate Division of New York’s First Department again upheld the Act’s contribution limits and restrictions. Because they bolster “public confidence in the election process by *restricting contributions*, the City Campaign Finance Act’s more restrictive contribution and source limits...are not inconsistent with any legislative objective of the Election law.”⁶⁴

The decision provided further support for the city’s legal and practical authority to determine how its campaign finance system should operate.

C. Virginia Fields v. New York City Campaign Finance Board

In 2008, C. Virginia Fields brought a lawsuit in New York State Supreme Court, New York County, challenging a finding that she owed \$180,597 in “unspent campaign funds” to the CFB as a result of her 2005 mayoral campaign.⁶⁵

Under the Act, if a campaign’s total contributions, other receipts, and public funds exceed its total expenditures, the campaign must return the difference as “unspent funds” (the difference is considered to consist of public funds, up to the amount of public funds received). However, the CFB practice was to only include expenditures that were “campaign related” in the unspent funds calculation because otherwise campaigns could in effect use public funds for improper purposes.

The court found that Fields was not personally liable for the unspent funds, in part because of the wording of the Act, which referred to “excess funds,” implying that only funds remaining after the election, and not personal funds, had to be repaid to the CFB.⁶⁶ The CFB lost on appeal.⁶⁷

ENDNOTES

- 1 Celeste Katz, “Latest Anthony Weiner CFB Filing Details More Old Expenses Than New,” *Daily News*, May 15, 2013, <http://www.nydailynews.com/blogs/dailypolitics/latest-anthony-weiner-cfb-filing-details-old-expenses-new-blog-entry-1.1694631>.
- 2 New York, N.Y. Local Law No. 34 (July 3, 2007) (amended by Local Law No. 67).
- 3 Karl J. Sandstrom, Esq. and Michael T. Liburdi, Esq., “Overview of State Pay-to-Play Statutes,” *Perkins Coie*, May 5, 2010, http://www.perkinscoie.com/files/upload/WP_10-05_Pay-to-Play.pdf
- 4 *Ognibene v. Parkes*, 599 F. Supp.2d 434 (S.D.N.Y. 2009).
- 5 CFB report, Interim Report of the New York City Campaign Finance Board on “Doing Business” Contributions, June 2006, p. 12.
- 6 See Admin. Code §§ 3-703(1)(j), (2)(a); Board Rules 3-04, 5-01(f)(2). The threshold consists of minimum requirements for the amount of money raised and the number of individual contributors. As with public matching funds and spending limits, the threshold requirements are different for each office.
- 7 See generally Admin. Code §§ 3-703, 3-705(1), 3-711; Board Rules 2-02, 5-01(a)(1), 5-01(f)(1), (7).
- 8 See Admin. Code § 3-703.1(c).
- 9 See Admin. Code § 3-710.5; Board Rules 1-02 and 5-01(f).
- 10 See *id.*
- 11 See, e.g., Board Rule 5-01(a)(1) (“No payments from the Fund shall be made to a participant unless the Board has determined that a candidate has met all eligibility requirements of the Act and these rules.”).
- 12 See *id.*
- 13 Pursuant to Board Rule 2-02, the Board considers certain activities to constitute a “fundamental breach of the obligations affirmed and accepted by the participant [] in the certification.”
- 14 See Admin. Code § 3-703(1)(n); Board Rule 5-01(f)(3).
- 15 See Admin. Code §§ 3-703(1)(m), 12-110; Board Rules 3-11, 5-01(f)(8).
- 16 See Admin. Code § 3-703(1)(f); Board Rules 1-04(c)(1), 5-01(f)(1).

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- 17 See Admin. Code §3-703(1)(k); Board Rules 1-04(c)(1), 5-01(f)(1).
- 18 See New York City Charter §1052(a)(13); Admin. Code §3-703(1)(l); Board Rules 1-04(c)(1), 5-01(f)(1).
- 19 See generally Admin. Code §§ 3-703(1)(d), (6)(a); Board Rules 3-04(a), 5-01(d), (e)(2), (f)(5).
- 20 See Admin. Code § 3-703(6); Board Rules 3-03(c)(6), 5-01(f)(5).
- 21 See generally Admin. Code §§ 3-703(1)(d), (6)(a); Board Rules 1-09(c), 5-01(f)(4).
- 22 See Admin. Code §§ 3-703(1)(i), 3-706; Board Rules 1-08(d), 5-01(f)(1). See “Expenditure Limits,” at Admin. Code § 3-706(1).
- 23 See Admin. Code § 3-705(9); Board Rule 5-01(f)(9).
- 24 See Admin. Code § 3-705(10); Board Rule 5-01(f)(10).
- 25 See Admin. Code § 3-709.5(9); Board Rule 5-01(f)(1).
- 26 See Admin. Code § 3-703(1)(g); Board Rule 5-01(f)(5).
- 27 See Admin. Code §§3-710(2)(a), (b), (c), §3-709(7); Board Rule 5-03.
- 28 See Admin. Code §3-705(7).
- 29 See Declaration of Legislative Intent and Findings, Local Law No. 12 of 2003 (purpose of sure winner provisions is to “strengthen this landmark law through changes that are intended to encourage a continued high level of participation in the voluntary program and to protect public funds from fraud and unnecessary expenditures.”).
- 30 Admin. Code § 3-705(7).
- 31 See Opinion and Order, *Ognibene v. Parkes*, No. 08-CV-1335 (S.D.N.Y. Apr. 4, 2013).
- 32 See *N.Y.C. Admin. Code §§ 3-710.5, 3-711*.
- 33 N.Y.C. Admin. Code § 3-711(1), (2).
- 34 See *Board Rule 7-01*.
- 35 N.Y.C. Charter § 1136.1(2)(b).
- 36 N.Y.C. Charter § 1136.1(3)(a)(iv), (v).
- 37 *People v. Haggerty*, No. 2598/2010 (*Sup. Ct. N.Y. County Oct. 21, 2011*).
- 38 Final Determination No. 2012-1 (October 18, 2012), at 5.
- 39 See Local Law 60 of 2010; Final Report of the 2010 New York City Charter Revision Commission, p. 12-17, http://www.nyc.gov/html/charter/downloads/pdf/final_report_2010_charte_revision_9-1-10.pdf.
- 40 N.Y.C. Charter § 1052(a)(15)(b), Rule 13-02(a)-(d); NYC Campaign Finance Board, “New Yorkers Make Their Voices Heard: 2009 Post-Election Report,” p. 180-81.
- 41 Final Report of the 2010 New York City Charter Revision Commission, p. 24, http://www.nyc.gov/html/charter/downloads/pdf/final_report_2010_charte_revision_9-1-10.pdf.
- 42 *Ognibene v. Parkes*, 599 F. Supp. 2d 434 (S.D.N.Y. 2009).
- 43 *Id.* at 437–38; see also N.Y.C. Admin. Code §§ 3-702(3), 3-703(1)(l), (1-a), (1-b) (2012).
- 44 *Ognibene*, 599 F. Supp. 2d 434; *Ognibene v. Parkes*, 671 F.3d 174 (2d Cir. 2011), *cert. denied*, 133 S. Ct. 28 (2012).
- 45 *Ognibene v. Parkes*, 671 F.3d at 195 (citations omitted).
- 46 *Id.* at 178.
- 47 *Id.* at 193.

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- 48 *Ognibene v. Parkes*, 133 S. Ct. 28 (2012) (Mem.).
- 49 *Ognibene v. Parkes*, No. 08 Civ. 1335(LTS)(FM), 2013 WL 1348462 (S.D.N.Y. Apr. 4, 2013).
- 50 *Arizona Free Enterprise Club v. Bennett*, 131 S.Ct. 2806, 2808-09 (2011).
- 51 *Bennett*, 131 S.Ct. at 2828-2829.
- 52 New York City Campaign Finance Board, 2009 Post-Election Report, “New Yorkers Make Their Voices Heard,” p. 194–95.
- 53 Order Pursuant to Fed. R. Civ. P. 54(b) Regarding New York City Administrative Code §§ 3-706(3)(a)(ii), (iii), 3-706(3)(b)(ii), (iii), *Ognibene v. Parkes*, No. 08-CV-1335(LTS)(THK) (S.D.N.Y. Dec. 16, 2011).
- 54 Plaintiffs’ Memorandum of Law in Support of Plaintiffs’ Motion for Partial Summary Judgment, *Ognibene v. Parkes*, No. 08 Civ. 1335(LTS)(FM), 2013 WL 1348462 (S.D.N.Y. Apr. 4, 2013).
- 55 See N.Y.C. Admin. Code §§ 3-706(3)(a)(i) and 3-706(3)(b)(i).
- 56 *Ognibene v. Parkes*, No. 08 Civ. 1335(LTS)(FM), 2013 WL 1348462, at *6–7 (S.D.N.Y. Apr. 4, 2013).
- 57 See N.Y.C. Admin. Code § 3-705(7).
- 58 *Ognibene*, 2013 WL 1348462, at *8–11.
- 59 *Id.* at *8–11.
- 60 See N.Y.C. Admin. Code § 3-705(7)(b) (2012).
- 61 Michael Howard Saul, “Candidate Challenges City Limits on Funding,” *The Wall Street Journal*, Jan. 7, 2013, <http://online.wsj.com/news/articles/SB10001424127887323482504578228191663513914>
- 62 Michael Barbaro, “Candidate Ends Effort to Sidestep a City Cap,” *The New York Times*, Mar. 24, 2013, <http://www.nytimes.com/2013/03/25/nyregion/george-t-mcdonald-ends-effort-t-o-sidestep-a-city-cap-in-mayors-race.html>
- 63 *McDonald v. N.Y.C. Campaign Fin. Bd.*, 40 Misc3d826 (Sup. Ct. New York County 2013); Associated Press, “NY mayoral hopeful loses challenge to donation cap,” *The Wall Street Journal*, May 3, 2013, <http://online.wsj.com/article/AP7fb2d6fbbc3247788f68cf3336dae281.html>
- 64 *McDonald v. N.Y.C. Campaign Fin. Bd.*, 117 AD3d 540 (1st Dept. 2014) (emphasis added).
- 65 *Matter of Fields v. N.Y.C. Campaign Fin. Bd.*, 879 N.Y.S.2d 275 (Sup. Ct. New York County 2009).
- 66 *Id.*
- 67 *Matter of Fields v. N.Y.C. Campaign Fin. Bd.*, 918 N.Y.S.2d 15 (N.Y. App. Div. 2011).

5

Legislative Proposals

The consistently high levels of participation in the Campaign Finance Program illustrate that most candidates for office in New York City recognize its benefits. The Campaign Finance Act provides the basis for a fairer, cleaner election system. It rewards candidates who stay connected to their neighborhoods, and limits the influence of special interests on the city's politics.

The Program has thrived and succeeded because the Act has been adapted to a rapidly evolving political landscape. The Board's mandate to propose amendments to the Act — many of which have become law — has helped keep the Program strong.

While the system is on a solid foundation, there are challenges ahead. The scope and volume of outside spending in 2013 was a shock to the city's politics. Court decisions threaten to undermine the matching funds program. Pressure continues to mount for an election system that provides a more modern, responsive experience. The law should recognize the ongoing evolution in the way candidates and voters connect.

To respond, lawmakers should strengthen the Act's existing safeguards against real and perceived corruption. They should seek to further improve the disclosure provided to the public, so that more New Yorkers are empowered to provide a watchful eye. To maximize the public's investment in the political process, the Act should be amended to make the Program more efficient. Changes to the Act should make participating in the Program easier and simpler — candidates should continue to feel that participating in the Program is the best way to succeed.

RECOMMENDATIONS

Recommendation #1: Make determinations about public funds payments earlier in the election cycle.

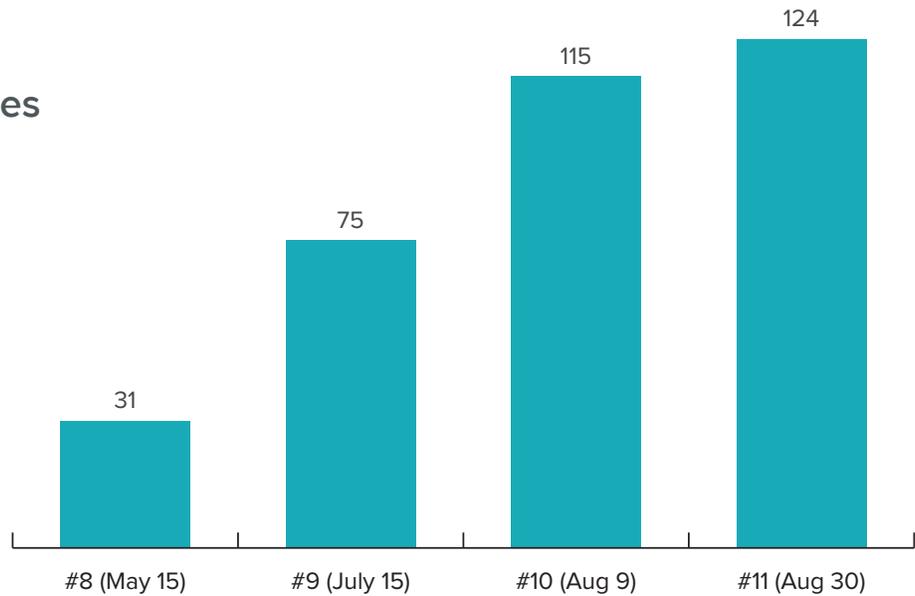
Candidates must be on the ballot to qualify for public funds.¹ The law currently prohibits payments to participating candidates until the petitioning process ends, including challenges, and the ballots are set.² As a result, candidates who qualify for the first payment may receive funds no earlier than five weeks before the primary. The timing of payment determinations can make planning difficult for some campaigns, and candidates who fail to qualify for public funds at the earliest date have limited time during the busiest weeks of the election cycle to resolve the issues preventing their payment.

PARTICIPATING CANDIDATES ON THE PRIMARY BALLOT RECEIVING PAYMENT			
Election Cycle	On Ballot	% Received Funds	% Received Funds on First Payment Date
2009	140	82.8	63.6
2013	156	79.5	48.1

In the primary election, less than half of participating candidates on the ballot qualified for payment on the first payment date. Despite a larger number of candidates on the ballot, and a larger number of candidates receiving funds, fewer candidates qualified for the earliest payment in 2013 compared with 2009.

Redistricting may have played a role. Final pre-clearance for the city’s redrawn Council district lines was granted by the U.S. Department of Justice on May 20, 2013 — less than two months before the deadline to meet threshold for the first payment — which likely frustrated some campaigns’ efforts to collect in-district contributions.

Participating Candidates Meeting Threshold by Disclosure Filing, 2013 Primary Election*



* This chart reflects those candidates who had reported sufficient contributions to meet the threshold. It does not reflect the effect of any compliance reviews.

Still, a significant number of candidates failed to remedy outstanding compliance issues or fix invalid matching claims in time to receive the first payment. As a result, 49 candidates received their first public funds payment on the second payment date or later, less than four weeks before the primary election.

An earlier payment date would provide campaigns with the incentive to qualify earlier, and provide opportunities to fix compliance issues in a timely way. Therefore, the Board recommends:

- Setting a single, early payment date in June, no earlier than four business days after the June 10 certification deadline.³ Early payments would be made only to candidates who have met the threshold and otherwise qualify for public funds as of the May 15 filing.
- To protect against the possibility of large payments to candidates who subsequently fail to make the ballot, these early payments should be limited: \$250,000 for mayoral candidates; \$125,000 for public advocate and comptroller candidates; \$50,000 for borough president candidates, and \$10,000 for Council candidates.

Earlier decisions about payments will help qualifying candidates plan their expenditures, providing certainty about public funds payments well before they enter the crucial final weeks of the election season. Earlier access to public funds will also help alleviate cash flow problems for some campaigns during the petitioning period.

Shifting the payment calendar can also help to protect public funds. Receiving payment determinations earlier in the cycle will provide campaigns with a strong incentive to address invalid matching claims or potential violations earlier in the cycle. It will require campaigns to begin thoroughly documenting expenditures earlier, and allow CFB staff to provide more timely feedback on compliance issues.

For campaigns determined to be not eligible for payment, an earlier payment date will provide an earlier opportunity to address the underlying issues and/or appeal the Board's determination before the election.

Initial research suggests that the danger of paying candidates who meet threshold but fail to earn a place on the ballot is small. In 2013, there was no candidate running in the primary election who had disclosed contributions sufficient to meet the threshold through May 15 and subsequently failed to make the ballot.⁴

Early payments should be reserved for campaigns that have demonstrated compliance. Any change to the law that allows public matching funds payments prior to the conclusion of the petitioning period must provide the Board with the ability to demand full repayment from candidates who fail to file petitions.

Candidates who are removed from the ballot before the primary are subject to spending restrictions under current law, and are required to return public funds that have not been spent on qualified purposes before their disqualification.⁵ Candidates who are found by a court to have attempted to obtain a place on the ballot fraudulently are required to return all the public funds they have received.⁶ These protections should remain in place.

With adequate protections, early payments will help participating candidates better plan their campaigns and better comply with Program requirements.

Recommendation #2: End the “Statement of Need” requirement for candidates who face publicly financed opponents.

The law contains a simple provision for conserving taxpayer funds in non-competitive elections: payments to participating candidates are capped at 25 percent of the maximum for that office.⁷ The law requires every candidate seeking a payment of public funds up to the statutory maximum to demonstrate that he or she faces a serious opponent.⁸

This provision was added to the Act in 2003 and subsequently modified by the Council and the courts. As originally crafted, the 25 percent cap would be lifted only if: a) his/her opponent raised/spent one-fifth of the applicable spending limit; or b) he/she submitted a letter to the Board requesting the funds (i.e., the “Statement of Need”), which would be posted on the CFB website. In 2007, the Council amended the Act again to require that candidates submitting a Statement of Need for public funds make a showing of need based on any one of seven specific criteria.

In April 2013, a U.S. District Court ruling in *Ognibene v. Parkes* declared the one-fifth raised/spent “trigger” an unconstitutional burden on speech.⁹ As a result, the trigger was not in effect for the 2013 election, and every candidate to whom the cap applied was required to submit a Statement of Need to qualify for up to the maximum payment.

Restoring an objective, quantitative standard to the law will simplify the Program and continue to ensure that public funds are not expended in non-competitive races. Qualifying for public funds payment is a sufficient indicator of a campaign’s viability, or “seriousness.” Candidates facing the 25 percent cap will be considered for additional funds as soon as their opponents also begin receiving public funds. This will limit the reviews necessitated by the Statement of Need, and allow deserving campaigns to receive payments without requiring the candidate to make an additional justification.

While it can be difficult to judge the competitiveness of any election objectively prior to the election, public funds received can be an indicator of candidates’ respective levels of public support. An analysis of payments made during the 2013 elections does not suggest that using public funds payments as a trigger would provide insurmountable advantages for incumbents. For City Council challengers receiving public funds in last year’s primary election, the average payment was \$71,714; for incumbents, the average *uncapped* payment was \$80,136, less than \$8,500 higher.

With this simple provision added to the law, it is possible that some additional candidates would receive payments above the 25 percent cap. Had it been in effect for the 2013 elections, two candidates for Council could have received additional public funds in the primary election, and another three in the general election.¹⁰

Even still, the press and the public have consistently highlighted candidates they feel are receiving public funds without facing serious opponents; they should continue to provide a check on those candidates.

Recommendation #2a: The Statement of Need criteria should be simplified and clarified.

Concurrent with this simplified standard for full payment, the Statement of Need criteria should be narrowed.¹¹ Simpler, clearer criteria should eliminate some confusion about candidates’ eligibility for payments, while helping to ensure that large sums of public funds aren’t spent in non-competitive races.

Instead of being a necessity, the revised Statement of Need would provide an alternate basis for a full payment even when an opponent has not qualified for public funds. Based on numbers from the 2013 elections, it is likely to be used sparingly. In the 2013 primary election, three Council candidates submitted a Statement of Need and received public funds above the 25 percent cap, despite facing opponents who did not qualify for payment. In the general election, three Council candidates submitted a Statement of Need. These candidates were the sole payees in their district and received payments above the 25 percent cap.

The Board recommends simplifying the Statement of Need to four clear, objective criteria. Full payments should be available to participating candidates facing an opponent who:

1. is a self-financed non-participant;
2. has received endorsements from:
 - one current citywide or statewide elected official (e.g., mayor, U.S. Senator);
 - one current U.S. Representative representing the same area;
 - two current city or state elected officials who represent all or a part of the area covered by the election (e.g., borough president, state senator);
 - at least one membership organization with over 500 members;
3. has received 25 percent of the vote or more in an election in the same area in the preceding four years;
4. has a spouse, domestic partner, sibling, parent or child who has been elected to office in the same area during the preceding five years.

Recommendation #3: Strengthen disclosure of independent expenditures.

After witnessing a flood of anonymous outside spending in the 2012 federal elections, the Charter mandate and Board rules that require disclosure of independent expenditures in New York City helped ensure there was no “dark money” in last year’s elections. Any entity that makes independent expenditures must disclose information about contributions it receives, including the contributor’s name and address, and when the contributor is an entity, its type (i.e., LLC, political committee).

Still, even under the strong existing disclosure regime, the reporting did not provide perfect transparency of the funding behind the independent spenders. Contributors can mask their identities by filtering their spending through political committees, limited liability companies, or other entities.

To illustrate: the two largest outside spenders in the 2013 elections followed the regulations requiring disclosure of their contributions. However, the information disclosed, while accurate, did not clarify for the public the true sources of the funds. Jobs for New York reported receiving 134 separate contributions, many of them made by limited liability companies. CFB analysis estimates that 27 real estate firms were the ultimate source of those contributions.¹² [See table on following page.]

Similarly, United for the Future received just over \$1 million from Educators United, a political committee. According to reports filed by Educators United with the New York State Board of Elections, all of the group’s funding came from state and local unions representing teachers. The only disbursements Educators United reported making in the second half of 2013 were to United for the Future.

AFFILIATIONS OF TOP FUNDERS OF JOBS FOR NEW YORK, INC., 2013 ELECTIONS*

Tishman Speyer	\$675,000	Fisher Brothers	\$425,000
Tishman Speyer Australia Asset Manager, LLC	\$140,000	1345 Cleaning Service Co., II, LP	\$106,250
Tishman Speyer 650 CA Street Manager, LLC	\$ 97,500	299 Cleaning Service Co., II, LP	\$106,250
Sheryl C. Tishman	\$ 89,000	605 Cleaning Service Co., II, LP	\$106,250
Tishman Speyer 201 Folsom Promote, LLC	\$ 87,500	Plaza Cleaning Service Co., II, LP	\$106,250
Daniel R. Tishman	\$ 84,000	Glenwood Management Corp.	\$425,000
Tishman Hotel and Realty, LP	\$ 77,000		
Tishman Speyer China Manager, LLC	\$ 50,000	56th Realty, LLC	\$ 25,000
TS/TSCE India Nominee, LLC	\$ 50,000	80th Realty, LLC	\$ 25,000
Durst Organization	\$637,500	92nd Realty, LLC	\$ 25,000
		Arwin 74th Street, LLC	\$ 25,000
Durst Square Partners	\$150,000	Arwin 88th Street, LLC	\$ 25,000
The Durst Company, LLC	\$150,000	Barclay Street Realty, LLC	\$ 25,000
Durst Equity Investors, LLC	\$125,000	Briar Hill Realty, LLC	\$ 25,000
345 East 94th Street Associates, LLC	\$ 65,000	Columbus 60th Realty, LLC	\$ 25,000
501 West 41st Street Associates, LLC	\$ 65,000	East 72nd Realty, LLC	\$ 25,000
SFA Properties, LLC	\$ 50,000	East 77th Realty, LLC	\$ 25,000
125 West 31st Street Assoc, LLC	\$ 32,500	East 81st Realty, LLC	\$ 25,000
Related Companies	\$500,000	East 85th Realty, LLC	\$ 25,000
		Liberty Street Realty, LLC	\$ 25,000
AGS Ventures II, LLC	\$150,000	River York Barclay, LLC	\$ 25,000
PresCon, LLC	\$150,000	River York Stratford, LLC	\$ 25,000
Related Apartment Preservation, LLC	\$100,000	Tribeca North End, LLC	\$ 25,000
Related Sales, LLC	\$100,000	West 37th Street Parking, LLC	\$ 25,000
Brookfield Office Properties	\$425,000	* Analysis based on data submitted to the CFB and examination of other publicly available information.	
BFP One Liberty Plaza Co., LLC	\$150,000		
Brookfield Properties One WFC Co., LLC	\$150,000		
BFP Tower C Co., LLC	\$125,000		

AFFILIATIONS OF TOP FUNDERS OF JOBS FOR NEW YORK, INC., 2013 ELECTIONS (CONT.)*

Jack Resnick & Sons	\$425,000	Silverstein Properties	\$425,000
161 William Street, LLC	\$ 55,000	7 World Trade Center II, LLC	\$150,000
250 Hudson Street, LLC	\$ 55,000	Klara Silverstein	\$150,000
315 Hudson, LLC	\$ 55,000	Larry Silverstein	\$ 85,000
485 Madison Avenue, LLC	\$ 55,000	WTC Management & Development, LLC	\$ 40,000
AB 40th Street, LLC	\$ 55,000	SL Green Management	\$425,000
RB 52 CO, LLC	\$ 55,000		
Resnick 75 Park Place, LLC	\$ 55,000	Emerald City Construction, LLC	\$150,000
Resnick Seaport, LLC	\$ 40,000	SL Green Management LLC	\$150,000
Rudin Management	\$425,000	Eemerge NYC, LLC	\$125,000
		41 Madison, LP	\$ 115,000
		80 Pine, LLC	\$ 110,000
		845 Third, LP	\$100,000
		211 East 70th Street, LP	\$ 75,000
		345 Park Avenue, LP	\$ 25,000

* Analysis based on data submitted to the CFB and examination of other publicly available information.

While public sources exist that allow voters to identify the true sources of these funds, discovering them requires significant research. The city’s disclosure regulations should ensure complete information is available in a single, convenient location.

The Charter also requires that communications funded by independent expenditures indicate who paid for them. As noted, the name of the outside group can obscure the true source of the funds. Without a more prominent disclaimer containing more information about the spender, voters may have trouble distinguishing independently-funded communications from those sent by campaigns.

The DISCLOSE Act, under consideration in the U.S. Congress since 2010 and reintroduced in the Senate in July 2014, would require some disclosure of large contributions made to fund independent expenditures.¹³ The Board supports a similar mandate for New York City, to require independent spenders to disclose additional information about contributors — including the names of a contributing organization’s owners and officers.

While even this may not provide a clear trail back to the original funders of an independent expenditure in every case, the increased disclosure would help the public better understand who is funding many of these entities.

The Board also supports a requirement for all advertising funded by independent expenditures to include the names of the largest aggregate contributors. This style of disclosure is in effect in California, Connecticut, and Rhode Island.

Care must be taken in order to ensure that this added disclosure communicates information effectively to the voter without imposing an undue burden on the spender. It should illustrate clearly that the mailer, commercial, or other communication was funded by an outside group. If done effectively, the added disclosure will provide additional information to the public when it is most meaningful — at the moment the voter sees the communication. The Board supports legislation introduced this year in the City Council to achieve these objectives.¹⁴

Recommendation #4: Ban anonymous campaign communications.

While most candidate materials include notices that clearly indicate who produced them, several campaigns issued anonymous mailers or other communications during the 2013 elections. Federal regulations require campaigns to include a “paid for by” disclaimer on all public communications. The New York City Charter requires that independent expenditures indicate the source of their funding.¹⁵ However, there is no similar requirement in city law for candidates. The Board recommended after the 2009 elections that all printed campaign communications, as well as radio, Internet, and television advertising, include a “paid for by” notice.

All campaign communications should indicate the name of the campaign committee that paid for it. Legislation under consideration by the City Council would add this requirement to the Campaign Finance Act, and the Board supports its passage.¹⁶

Recommendation #5: Reduce the impact of bundling by people doing business with the city.

Contributions from people who are identified as doing business with city government are strictly limited. Lobbyists, contractors, grantees, and other business-doers may give no more than \$400 to a mayoral candidate, \$320 to a borough president candidate, or \$250 to a City Council candidate. Yet those same individuals may bundle unlimited amounts to the same candidates, a loophole that undermines the intent of the law to prevent or limit the appearance of “pay-to-play” corruption. Those contributions should not be matched with public funds.

An analysis of campaign disclosures from the 2013 elections shows that intermediaries are significantly more likely to be doing business with the city than contributors overall. Individuals in the Doing Business Database account for 19 percent of all intermediaries, but just 2 percent of all contributors. Of the money collected by intermediaries, 24 percent of the total was bundled by people doing business with the city.

Of the ten most active intermediaries, six were listed in the Doing Business Database during the 2013 election cycle.¹⁷ Making these contributions non-matchable would limit their impact and decrease the potential for quid pro quo corruption that may be associated with potential city contractors or lobbyists who bundle contributions for candidates.

Recommendation #6: Adopt instant runoff voting (IRV) for city elections.

Instant runoff voting eliminates traditional runoff elections by allowing voters to rank all candidates on the ballot for a given office. If no candidate receives a majority, voter rankings are used to determine a winner

* The City Council unanimously adopted both pieces of legislation, to ban anonymous campaign communications (Local Law 40 of 2014) and to provide stronger disclosure of independent expenditures (Local Law 41 of 2014), on August 21, 2014 after the printed version of this report had gone to press. Mayor Bill de Blasio signed the bills into law on August 28.

with majority support. Compared to runoff elections, which historically have extremely low turnout, the winning candidate in an IRV election has the broadest support among the largest pool of interested voters. IRV also helps ensure that military, absentee, and overseas voters, who normally are unable to vote in runoff elections, can participate fully in citywide elections.

Runoff elections are costly. In 2013, a runoff election for public advocate cost the New York City Board of Elections \$13 million to administer — an expenditure of \$64 per vote cast.

Instant runoff elections would reduce the cost of the Campaign Finance Program as well. Traditional runoffs add a significant cost to the Campaign Finance Program; more than \$4.3 million in public funds has been paid to candidates participating in runoff elections since 2001.

In addition, candidates would have no reason — and would not be permitted — to raise funds for separate runoff accounts. This would close down an avenue for additional large campaign contributions and simplify compliance for campaigns. IRV would remove uncertainty from decisions about runoff payments in case the official vote count is delayed, as occurred in the 2013 Democratic primary for mayor.

The Board has previously recommended adoption of IRV. In November 2013, Executive Director Amy Loprest testified before the City Council in support of legislation to establish IRV in the primary election for citywide offices. Legislation is under consideration in the City Council to institute IRV for New York City elections, and the state legislature has considered legislation to enable IRV elections as well.¹⁸

One improvement to those proposals: have instant runoffs for all offices covered by the Campaign Finance Act. If the aim of runoff elections is to ensure that general election candidates have demonstrated sufficiently broad support among their party's voters in the primary, that logic should hold true across all offices.¹⁹ Additionally, it may be less confusing for voters if there is a uniform voting method throughout the ballot.

Recommendation #7: Prohibit candidates from accepting organizational contributions.

The Board has long called for a ban on all organizational contributions. The Program's central aim is to reduce the corrupting influence of large, special interest contributors by amplifying the voice of small, individual contributors.

To address concerns over influence-seeking, candidates are currently prohibited from accepting contributions from corporations, limited liability companies, and partnerships. Extending the prohibition to political committees, unions, and other organizations would make individuals the only source of private contributions to candidates.

Recommendation #8: Add flexibility to the Voter Guide mandate.

The CFB prepares and prints a Voter Guide for all regularly-scheduled elections in which there are contested races for mayor, public advocate, comptroller, borough president, or City Council, and in years that local referenda are on the ballot. The Charter requires the CFB to print and distribute a Guide to each household with a registered voter before each primary and general election.

New Yorkers expect resources for election information that provide the same interactivity and convenience they have in their everyday lives. More and more, they are relying on their laptops, smartphones, and tablets to access information to help them make their choices on Election Day. The CFB's online Guide has become a vital resource for many of those voters; in 2013, others relied on the NYCVotes.org mobile web app for in-

formation about the candidates. A more flexible mandate would allow New Yorkers who prefer to access the Guide electronically to opt out of receiving the Guide in the mail. A more flexible mandate has the potential to decrease the most significant costs of the Voter Guide — printing and postage — in a meaningful way.

Recommendation #9: Clarify the restrictions on “mass mailings” by public officials close to an election.

Under the New York City Charter, public officials who are running for office are prohibited from using government resources to send mass mailings (defined as 100 or more nearly identical items) in the 90 days before an election. The Board is charged with enforcement of this prohibition, which helps ensure that resources meant for governing are not diverted to an election-related purpose.²⁰

There are exceptions. Officials may issue communications that are required by law, that are necessary to safeguard public health and safety, are standard responses to inquiries, or are ordinary communications to members of the public.

As noted in Chapter 4, the number of inquiries received by CFB staff concerning the ordinary communication exception for the 90-day “blackout” period increased dramatically in 2013. The CFB received a total of 246 inquiries in 2013, compared with 92 in 2009.

Certain exceptions are appropriate so that elected officials may continue to discharge their duties effectively even as they run for office. However, the Charter provides little, if any, guidance on the scope of these exceptions — particularly on what constitutes ordinary communications. The lack of detail requires the CFB to make case-by-case judgments in a very short time frame. Clearer language in the Charter would provide more certainty for elected officials seeking guidance about what is appropriate.

The Board recommends the Charter define ordinary communications as communications sent for the purpose of providing time-sensitive factual information that is of potential concern to the recipients. Ordinary communications should not include a photograph of the candidate or promotional or otherwise extraneous language regarding the candidate. Ordinary communications between an elected official and his or her constituents should only be sent to individuals within the particular council district, borough, or other geographic area represented by the official; ordinary communications between a public servant and his or her constituents should only be sent to individuals or groups that are reasonably likely to be affected by the content of the communications.

Examples of ordinary communications may include communications regarding:

- upcoming deadlines or events occurring on particular dates,
- recently proposed or enacted legislation, and
- ongoing issues about which the elected official or public servant has recently received a substantial number of questions and/or comments from members of the public.

Recommendation #10: Add disclosure requirements for entities with an ownership interest in doing business entities.

Individuals with an ownership interest (of at least 10 percent) in entities doing business with city government are covered by the doing business limits. These limits apply to the individuals listed in the Doing Business Database maintained by the Mayor’s Office of Contract Services.

It is not uncommon, however, for business entities to be owned by other business entities — especially in real estate. However, neither these entities nor the individuals who control them are listed in the database, obscuring the identity of the firm’s ultimate owner and decision-maker. As a result, the individual who controls the firm doing business with the city may be shielded from coverage by the lower, more restrictive contribution limits in the Act. Doing business entities should report not only the names of their own officers and owners, but also those of any entity with a significant ownership interest.

Recommendation #11: Clarify eligibility requirements for debates.

Courts have consistently upheld the constitutionality of limiting participation in debates to those candidates who meet objective, nonpartisan, and non-discriminatory standards.

Pursuant to Local Law 58 of 2004, the Act contains basic, minimum criteria for participation: candidates must raise and spend more than one-fifth of the threshold for public funding, demonstrating that they have achieved a minimal level of public support.²¹

Since this standard was introduced before the 2005 elections, the thresholds for debate participation have not changed — even as spending limits have increased more than 20 percent over the same period of time. An increased standard, tied to the expenditure limit, is a better objective indicator of viability. The Board proposes that candidates should be required to raise and spend 2.5 percent of the expenditure limit for the office they seek.²²

Other clarifications to the debate law would help provide certainty for candidates and the public. For instance, the law should be clear that outstanding liabilities and loans do not count towards debate eligibility. The requirements should be uniform for participants and non-participating candidates.

Recommendation #12: Equalize TIE contribution limits and campaign contribution limits.

In the legislation establishing transition and inauguration entities (TIEs) prior to the 2001 election, the contributions limits were identical to those for campaigns. Pursuant to the Act, campaign contribution limits were increased by ten percent in 2002 to reflect changes in the Consumer Price Index, but TIE contribution limits were not changed. Amendments to the Act have harmonized other campaign and TIE regulations — for instance, by prohibiting TIEs from accepting contributions from corporations and other business entities. To reduce confusion among both contributors and elected officials, campaign and TIE contribution limits should match.

Recommendation #13: Extend ban on accepting contributions from non-registered political committees to non-participants.

Candidates who opt out of the matching funds program must observe the same contribution limits as participants; they must also observe the ban on corporate contributions. These requirements for non-participants were upheld in 2013 in *McDonald v. New York City Campaign Finance Board*.

The Act allows participating candidates to accept contributions from political committees only if they have registered with the Board.²³ In registering, political committees affirm they will not use money from prohibited sources (like corporations, limited liability companies, or partnerships) to make contributions to candidates. Participants and non-participants alike should observe this requirement.

Recommendation #14: Eliminate requirement for candidates to submit COIB receipt.

Candidates for public office in New York City are required to file personal financial disclosures with the Conflicts of Interest Board (COIB). To be eligible to receive public funds, the Act directs participating candidates to provide a receipt to the CFB indicating the disclosure has been filed with the COIB.

While the disclosure requirement should continue as a condition for public funds eligibility, the burden of notifying the CFB of compliance need not be on the candidates. It would be more efficient for the COIB to transmit that information directly to the CFB.

For Consideration: Higher spending limits in conjunction with lower contribution limits.

Independent expenditures reached an unprecedented level in the 2013 elections. With the three top candidates in the Democratic primary for mayor finishing at or near the spending limit, outside spending appeared to play a particularly large role in that race.

United for the Future spent \$3 million to support former Comptroller Bill Thompson for mayor. Another leading candidate, City Council Speaker Christine Quinn, faced \$1 million spent by NYCLASS and NYC Is Not For Sale opposing her bid.

During a roundtable discussion of the campaign at the New School's Center for New York City Affairs in January 2014, Quinn campaign manager Matt Tepper explained the challenges of facing negative independent expenditures in the city's system: "This was a capped race. We were operating within the campaign finance system. If we spent all of our money in the summer when no one else was on the air, just the independent expenditure hitting us, then we wouldn't have had any money left to go on TV when the majority... of the voters were tuning in."²⁴

At the City Council level, spending by Jobs for New York exceeded the candidate spending limit in 15 districts during the primary election. Even those who predicted that Citizens United would lead to a deluge of new spending were surprised at the scope of these efforts.

The broader aims of public matching funds can only be achieved if candidates continue to feel that the Program gives them a chance to succeed. Outside spending may raise the stakes; the decision to join may be more difficult for candidates who believe the spending limits restrict their ability to respond.

Given the Supreme Court's views on independent expenditures, it is possible that a provision lifting the spending limit for candidates only when opposed by significant outside spending could be ruled unconstitutional. As a result, some have suggested raising the expenditure limit for all candidates. Others maintain that the current landscape is best suited to matching funds programs without spending limits.

There are real concerns that raising or eliminating the spending limit has the potential to dilute the positive impact of public matching funds, creating pressure for candidates to continue chasing money right up until Election Day and increasing the potential for large contributions to corrupt candidates' choices. To mitigate these concerns, one possibility is to pair raising the spending limit with lowering the contribution limits.

The Board is not prepared to recommend an increase in the spending limit at this time. Still, the issue demands further study and analysis.

ISSUES REQUIRING STATE ACTION

Eliminate State filing requirements for city candidates

The Act requires candidates for covered office to disclose their financial information with the CFB on a regular schedule. State election law imposes an additional requirement on the same candidates to register and disclose their finances with the State BOE. This duplication of tasks is time-consuming and wasteful.

However, the requirement to file with the CFB ends the January after the election, while candidates must file with the BOE until their campaign account is closed, with a zero balance. The Board recommends an amendment to state election law that would end the requirement for New York City candidates to file disclosures with the BOE. Concurrently, the Act should be amended to extend the requirement for filing with the CFB until the campaign account is closed.

Establish early voting

Early voting is transforming the way America votes. At least 30 states offer some form of early in-person voting, and one of three voters nationwide cast their vote before Election Day in 2012. Allowing an open two-week period, including weekends, for New Yorkers to vote in-person would reduce wait times and offer voters and employers greater convenience and flexibility.

A two-week voting period would also ensure more votes get counted, by reducing the number of absentee and affidavit ballots and allowing for time to resolve problems with voter records or poll sites.

It is unclear what impact early voting will have on campaign spending in New York City; research suggests that in areas with early voting, campaigns spend more of their resources earlier.²⁵ The impact of early voting on campaign fundraising and spending should be carefully considered.

Improve ballot design

Clearly designed ballots make it easier to vote. Yet New York's election law contains strict and outdated specifications for ballot design, written for the old mechanical voting machines — not the electronic ballot scanners we currently use. State law must set new, modern design standards that provide New Yorkers with more legible, readable ballots. Better ballots would provide a better experience at the poll sites, resulting in shorter lines and wait times.

Modernize voter registration

Our voting system should offer New Yorkers the same responsiveness and convenience they have grown to expect in their everyday lives. The Board urges state legislators to enact The Voter Empowerment Act, which would apply a modern approach to voter registration, creating efficiency and saving money. The bill would provide for: automatic registration of eligible consenting citizens at designated government agencies; automatic transfer of registrations for New Yorkers who move within the state; online access to voter registration records; online registration; and later deadlines for voter registration or party changes.

The CFB's research has shown that high residential mobility is associated with low voter turnout.²⁶ When New Yorkers move, their voter registration should move with them. These reforms are broadly supported, and would modernize the system by ensuring that voters' current information is reflected in the voter rolls.

Consolidate Federal and State Primary Elections

The Board reiterates its call for a consolidated date for federal and state primary elections. There are a number of benefits to a single primary in June. Voters should not be forced to go to the polls for three, sometimes four, elections in a single year. A consolidated primary date in June would save the expense of multiple elections, and provide voters with more time to learn about the candidates in the general.

With more time for candidates to raise small, matchable contributions for the general election, the Program could play a larger role. Under the current calendar, the Program sometimes plays a smaller role in a general election after a competitive primary. This is especially true in citywide races. In the 2013 elections, public funds accounted for 40 percent of expenditures for candidates in the primary, but less than a quarter of candidates' spending in the general.

While there are clear benefits to a single June primary, there are serious considerations that require further discussion. For instance, a June primary would require the city and state budgets to be completed in the middle of primary season, forcing incumbent candidates to spend time campaigning and fundraising just when the work of their elected office demands their full attention.

CONCLUSION

The Board's mandate for reflection and renewal has created an ongoing conversation about the way New York City conducts its elections. Reformers, administrators, lawmakers, campaigners, candidates, and other interested New Yorkers have come together year after year to discuss ways to strengthen our landmark small-dollar matching funds program.

Now is the time to address the challenges ahead. As debates over campaign finance reforms continue in Albany, Washington, DC, and beyond, New York City can and will continue pointing the way towards a system that ensures voters — not money — decide elections.

ENDNOTES

- 1 Admin. Code §3-703(1)(a).
- 2 Admin. Code §3-709(5).
- 3 Admin. Code §3-703(1)(c)(i). There have been discussions of consolidating the dates of the federal and state primaries, which would impact city elections as well. This proposal assumes the primary election remains on the first Tuesday after the second Monday in September, per N.Y. State Election Law §8-100(1)(a).
- 4 The signature requirements to get on the ballot were cut in half as part of the 2010 Charter revision; with the lower signature threshold, fewer candidates were removed from the ballot in 2013.
- 5 Admin. Code §3-704(2)(d); Board Rule 5-03(b).
- 6 Admin. Code §3-710(3).
- 7 For example, the maximum public funds payment available to a Council candidate for the 2013 election was \$92,400. For candidates without a serious opponent, payments were capped at \$23,100.
- 8 Candidates running in an open-seat primary or special election are exceptions to this requirement. Admin. Code §3-705(7).
- 9 *Ognibene v. Parkes*, No. 08 Civ. 1335(LTS)(FM), 2013 WL 1348462 (S.D.N.Y. Apr. 4, 2013).

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- 10 One of these candidates, Joseph Hayon (CD#44), was opposed by an incumbent (David Greenfield) in the general election, but failed to submit a Statement of Need indicating as such.
 - 11 See Admin. Code §3-705(7)(b).
 - 12 One reason to do so was New York State aggregate limits on contributions to political committees, which are \$150,000 for individuals, and \$5,000 for corporations. Though Citizens United undermined the legal foundation for those limits as applied to committees making independent expenditures, Jobs for New York indicated it would abide by those limits. E.g. Raymond Hernandez, “New York Business Leaders Plan a Push in Council Races,” *The New York Times*, May 30, 2013, <http://www.nytimes.com/2013/05/31/nyregion/business-pac-plans-a-push-in-city-council-races.html>. In April, New York State’s limits on contributions to independent expenditure groups (“SuperPACs”) were struck down in federal court; the State Board of Elections subsequently voted not to enforce the aggregate limits. Thomas Kaplan, “Judge Rejects New York Limit on Donations to ‘Super PACs,’” *The New York Times*, April 24, 2014, <http://www.nytimes.com/2014/04/25/nyregion/judge-rejects-state-limit-on-donations-to-super-pacs.html>; “B.O.E. votes not to enforce aggregate donation limits,” *Capital New York*, May 22, 2014, <http://www.capitalnewyork.com/article/albany/2014/05/8545914/boe-votes-not-enforce-aggregate-donation-limits>.
 - 13 Democracy Is Strengthened by Casting Light On Spending in Elections (DISCLOSE) Act of 2014, S. 2516, 113th Cong. (2014).
 - 14 N.Y. City Council Intro. No. 148-A of 2014. At press time, the City Council was expected to approve this legislation.
 - 15 N.Y. City Charter §1052(15)(c).
 - 16 N.Y. City Council Intro. No. 6 of 2014. At press time, the City Council was expected to approve this legislation.
 - 17 Each of the top ten intermediaries in 2013 bundled in excess of \$100,000.
 - 18 N.Y. City Council Intro. No. 150 of 2014; N.Y. State Assembly Bill A7013A (2013); N.Y. State Senate Bill S6862 (2013).
 - 19 In 2013 primary election, six City Council candidates won with less than 40 percent of the vote.
 - 20 N.Y. City Charter §1136.1.
 - 21 For mayoral candidates, the current threshold is \$50,000; for public advocate and comptroller, \$25,000. In consultation with the CFB, debate sponsors may propose additional nonpartisan, objective, non-discriminatory criteria. The second debate is reserved for “leading contenders” for each office, based on additional criteria proposed by the sponsor.
 - 22 Under the spending limits in effect for the 2017 elections, the proposed threshold would require mayoral candidates to raise and spend \$174,225 to qualify for the debates; candidates for public advocate and comptroller would be required to raise and spend \$108,925.
 - 23 Admin. Code §3-707.
 - 24 “Mayoral Campaign Roundtable,” The New School Public Policy Forum, January 21, 2014, <http://blogs.newschool.edu/cnyca/2014/01/21/mayoral-campaign-roundtable/>.
 - 25 E.g., Philip J. Zakahi, “When Time Isn’t Money: An Analysis of Early Voting and Campaign Spending,” *Columbia University Journal of Politics & Society*, Vol. 22, No. 1, pp. 117-138, <http://academiccommons.columbia.edu/item/ac:139802>.
 - 26 “Who Votes? Voter Turnout in New York City,” Report of the New York City Campaign Finance Board, June 11, 2012, http://www.nycffb.info/pdf/issue_reports/whovotes.pdf.

Sources and Methods

The campaign finance data in this report come from disclosures filed by candidates with the CFB as of February 13, 2014. Data from “terminated” candidates (i.e., candidates who appeared on neither the primary nor general election ballot) are excluded.

Data used for analyses and discussion of the primary election, in Chapter 1 and elsewhere, include all transactions occurring on or before September 10, 2013. Discussions of the general election in Chapter 1 include transactions occurring between, and including, September 11 and November 5, 2013.

Analyses referring to contributors throughout this report use a contributor key to aggregate multiple contributions from the same contributor. The contributor key encodes elements of the name and address of contributors, as reported to the CFB, to aggregate contributions.

Analyses referring to *individual contributions* encompass contributions made by four distinct categories of contributors: individuals, candidates, candidate spouses, and candidate family members. For candidates who participate in the Campaign Finance Program, these types of contributions may be eligible for public matching funds, if made by a New York City resident. *Organizational contributions* are those from all other sources: political committees, employee organizations, limited liability companies, partnerships, and others.

Data referring to doing business contributions (Chapter 4, Disclosure & Oversight) were compiled by CFB staff. A full list of contributions from people identified as doing business, through a review of the Doing Business Database (<http://www.nyc.gov/portal/site/DBusinessSite>), is available on the CFB’s website: http://www.nyccfb.info/VSAppls/DoingBusinessSummary.aspx?as_election_cycle=2013.

Vote tallies and percentages were calculated from Statement and Return Reports published by the Board of Elections in the City of New York, available at vote.nyc.ny.us.

Appendices available for download (as .csv files) at www.nyccfb.info/2013Report include the complete set of financial transactions used for most analyses in this report. These data sets include disclosures made by candidates that terminated their campaigns before the election. The appendices also provide summary information about financial transactions.

The Center for Urban Research at the CUNY Graduate Center, CUNY provided the data analysis and design of the maps included in this report. Here is the Center’s explanation of their methodology:

- The NYC Campaign Finance Board provided a file of all contribution records for the 2013 election cycle from disclosures filed by candidates as of February 13, 2014.
- The file was geocoded by CUR by matching each street address and borough or ZIP Code provided in the file against the New York City Department of City Planning “LION” file representing street centerlines with address ranges for each block. The file was geocoded using MapInfo software.
- Some addresses could not be geocoded initially due to misspellings, missing information, or inaccurate ZIP Codes provided in the original data. These incomplete or incorrect addresses were corrected if possible, and then manually geocoded using a combination of sources including the Department of City Planning’s Geosupport for Desktop application, parcel boundaries from the Department of City Planning’s “PLUTO” file, and online sources such as Google Maps and MapQuest. Also, 337 records in the file had blank addresses; instead CUNY used employer addresses included in the file to geocode 296 of these records.
- This file included contributions from individuals as well as institutions, and contributions made from within New York City and from outside the city. The maps contain contributions from individuals within New York City and do not contain contributions from terminated candidates. Based on the Center for Urban Research’s geocoding process and a review of the address information for each record, we determined that of the 197,964 records in the file, 156,064 records are from individuals within New York City.
- Overall the Center was able to geocode 155,081 individual contribution records originating within New York City (99.4 percent of the total individual contribution records from the city). The remaining 983 records could not be geocoded either because they had PO Boxes instead of street addresses or had address errors that could not be corrected.
- The geocoded contribution records were updated by identifying the ZIP Code boundaries that contained each record, using the latest ZIP Code boundaries from the New York City Department of Information Technology and Telecommunications. The contribution amounts and counts of contributions were then summed by ZIP Code, and the summed data were used to produce the maps. For each map, refunds were subtracted from total contribution amounts, and contributions were included only if they were made to non-terminated candidates who participated in the Campaign Finance Board’s public financing program.
- To calculate and map the percent of the number of contributions originating from within Council districts, we first updated the geocoded contribution records by identifying the City Council district boundaries that contained each record using the post-2013-districting Council boundary file from the NYC Department of City Planning. We then calculated the count of contributions from individuals (and only those made to non-terminated candidates who participated in the Campaign Finance Board’s public financing program) whose geocoded Council district matched the district in which each contribution’s candidate was running. We mapped the percentage count using the Council boundary file from the NYC Department of City Planning.
- The maps were produced using ESRI’s ArcGIS for Desktop Advanced software.