

# KEEPING DEMOCRACY STRONG

NEW YORK CITY'S  
CAMPAIGN FINANCE PROGRAM  
IN THE 2017 CITYWIDE ELECTIONS



NEW YORK CITY CAMPAIGN FINANCE BOARD





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# FOREWORD



Since its establishment in 1988, the New York City Campaign Finance Board (CFB), as the agency responsible for protecting and administering the city's landmark Campaign Finance Program, has shaped the landscape of our elections and strengthened New Yorkers' relationship to their government.

While campaign tactics change, the fundamental aims of the CFB's work remain constant. Through the matching funds program and our NYC Votes initiative, we seek to broaden participation in the process of electing our leaders.

We strive to build an informed, engaged electorate that encompasses the interests of all New Yorkers. We work to increase the impact of contributions from New Yorkers who give small amounts, and diminish the role of larger, potentially corrupting contributions. We aim to make it easier for more New Yorkers to run for office and ensure that those who aspire to serve the public are accountable to the voters and the law.

In this report, we take a rigorous look at the impact of the Program on New York City's elections, as well as the ways in which the Program and the CFB have risen to meet the evolving challenges of our city's political system. We also take a close look at last year's elections and review the agency's efforts to administer the Program in service of our goals. Through this process, the Campaign Finance Act commits us to seek continuous improvement for the agency and our Program. In that spirit, our report proposes further reforms to strengthen the system for the next generation of aspiring city leaders.

We have had great partners across city government in this task of keeping the Program strong. The progress we've made over the past 30 years would not have been possible without the sustained engagement of the City Council. As this report goes to print, a Charter Revision Commission is preparing its own campaign finance reform proposals to put before the voters, which we hope will align with the recommendations in this report. With a historic election on the horizon in 2021, I am profoundly encouraged by our shared commitment to keeping our democracy strong.

I thank you for your interest in the work of the Board.

Frederick P. Schaffer  
*Chair*

September 1, 2018



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**N**ow in its 30th year, New York City's Campaign Finance Program is widely recognized as a model for reform that builds stronger connections between citizens and their elected leaders. The unique power of New York City's small-dollar multiple-match system gives a stronger, clearer voice to the everyday concerns of the vast majority of New Yorkers who can't afford to make large contributions to politicians. It encourages candidates to lend those concerns real weight and consideration, and to spend more time with their neighbors raising small-dollar contributions and less time chasing special-interest checks.

Through three decades, five mayoral administrations, and hundreds of Council races across the five boroughs, the Program has remained an essential democratizing force in city politics, lowering the barriers to meaningful participation for candidates and contributors alike.

The basic framework of the Program—providing matching funds that establish voluntary incentives for candidates to focus on small-dollar contributions in exchange for overall caps on spending—has been successful here in New York City. Candidates across the political spectrum, from established candidates to first-time challengers, rely on the Program to help them build campaigns for office.

This report reviews the work of the CFB during the 2017 elections in detail by demonstrating the impact of the matching funds program on how campaigns are conducted in New York City. The report illustrates how the Program limits the influence of large, private contributions in city elections and makes elected officials less dependent on special interests. The Program increases the impact of average New Yorkers' participation and provides new voices with the means to be included in the public conversation about our city's future.

Although 2017 was the eighth mayoral election conducted under the Program, last year's election still featured some important new milestones. Some illustrate the ways in which the Program has proven essential to building a fairer, cleaner political system; others suggest how the Program can be further improved to better fulfill its public goals.

The 2017 elections featured the first incumbent mayor to run for re-election as a participating candidate in 20 years, and the first since the Program was transformed before the 2001 elections to provide a multiple match for small-dollar contributions. In the aggregate, the candidates in last year's mayoral race relied more heavily on small-dollar contributors than those in the past few elections. Yet the data also shows that large contributors continue to play a significant role in mayoral elections.

The 2017 elections saw the largest number of incumbents on the ballot since 2005 with each citywide official and borough president running for their second full term—and most members of the Council running for their final terms under the term limits law. As a result, there were fewer total candidates running, and the total dollar amount of payments of public matching funds to candidates was the lowest in a citywide election cycle since before the multiple-match took effect. Still, the Program continued to provide emerging challengers with the means to hold incumbents accountable to their constituents. Meaningful opposition requires incumbents to spend time in their neighborhoods, talking about their past achievements and sharing their vision for the future.

The Program also sets the stage for New Yorkers to exercise their passion and activism by making an impact in city elections. As this report shows, New Yorkers in every neighborhood across the city participated in last year's elections by making small-dollar contributions to candidates. The CFB's outreach and information resources helped more New Yorkers participate as voters. New, improved tools helped first-time candidates and political veterans alike better manage their disclosure and compliance responsibilities and reach more small-dollar contributors effectively.

This report will review the lessons learned from this unique election and propose a series of recommendations to enhance the Program for the future.

## IMPACTS OF THE CAMPAIGN FINANCE PROGRAM

The core initiative of the New York City Campaign Finance Board is its voluntary public financing program. Established in 1988, the first-of-its-kind program encourages candidates for city offices to raise small donations from city residents while diminishing the potential for both actual and perceived corruption in our local elections.

To qualify for the Program, candidates must meet a two-part fundraising threshold, face opposition on the ballot, and satisfy other requirements specified in the law.<sup>1</sup> Candidates who meet the requirements are eligible to receive matching funds payments at a rate of \$6 for every \$1 contributed by a New York City resident. The match can be applied to the first \$175 that a candidate receives from each individual donor.

In 2017, for the second consecutive citywide election cycle, the nominees of each of the two major parties for mayor participated in the program, and received public funds payments before the general election. Across all 2017 elections, public funds payments accounted for 44 percent of total spending reported by candidates in the program.

As in past elections, the vast majority of 2017 candidates chose to join the Program, although participation actually fell from 2013.

	2017 ELECTION CYCLE	2013 ELECTION CYCLE
PRIMARY ELECTION	84% of all candidates participated	91% of all candidates participated
GENERAL ELECTION	64% of all candidates participated	62% of all candidates participated

In the primary election, there were 129 candidates on the ballot, and 109, or 84 percent, participated in the matching funds program, compared with 91 percent of candidates in 2013's primary election. In the general election, 163 candidates appeared on the ballot, and 105, or 64 percent, participated in the matching funds program, compared with 62 percent of candidates in 2013's general election. In total, the Board paid \$17.7 million to 104 qualifying candidates. City Council candidates received more than half of all public funds, with 96 candidates receiving a total of \$9.5 million.

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<sup>1</sup> See N.Y.C. Admin. Code § 3-703.

Total payments declined in 2017 compared to 2013, a result of incumbents running for re-election to each of the city- and borough-wide offices, and a majority of City Council seats. In particularly competitive races, however, public matching funds played an important role in helping City Council hopefuls run robust campaigns.

## THE 2017 MAYORAL ELECTION

New York City's 2017 mayoral election resulted in the incumbent, Mayor Bill de Blasio, winning a second four-year term in office. Unlike the 2013 mayoral race, which had a highly competitive primary season during which de Blasio himself did not emerge as a frontrunner until the last few weeks before the election,<sup>2</sup> the 2017 mayoral race was portrayed by the media as having the potential to be either "wildly exciting – or extremely boring." This depended almost entirely on the outcomes of investigations into de Blasio's fundraising practices and his nonprofit, Campaign for One New York.<sup>3</sup> On March 16, 2017, however, Acting U.S. Attorney Joon H. Kim and Manhattan District Attorney Cyrus Vance each issued statements saying they would not pursue criminal charges against de Blasio.<sup>4</sup>

In November 2016, de Blasio secured several significant institutional endorsements for the primary race from incumbent City Council members and prominent labor unions like 32BJ SEIU, the Uniformed Sanitationmen's Association, and the Retail, Wholesale and Department Store Union.

De Blasio famously ran his 2013 campaign on a "tale of two cities" narrative, focusing on addressing income inequality by putting forward proposals that would boost the city's middle class families. His 2017 campaign highlighted first-term achievements such as instituting universal pre-kindergarten classes, raising graduation rates, lowering crime rates, curtailing stop-and-frisk policing, and creating affordable housing. Critics argued that de Blasio, in his 2017 campaign, did not offer new ideas and had not articulated a concrete vision for the city's future.<sup>5</sup> Other issues raised by critics of the mayor included the federal and state investigations into

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2 Anna Sale, "De Blasio, a Practiced Critic, Confronts New Role of Frontrunner," *WNYC News*, August 25, 2013, <https://www.wnyc.org/story/314497-de-blasio-practiced-critic-confronts-new-role-frontrunner>.

3 Chris Smith, "The 2017 Mayoral Race Is Shaping Up to Be Wildly Exciting—or Extremely Boring," *New York Magazine*, March 9, 2017, <http://nymag.com/daily/intelligencer/2017/03/the-2017-mayoral-race-will-be-exciting-or-very-boring.html>.

4 William K. Rashbaum, "No Charges, but Harsh Criticism for de Blasio's Fundraising," *The New York Times*, March 16, 2017, <https://www.nytimes.com/2017/03/16/nyregion/mayor-bill-de-blasio-investigation-no-criminal-charges.html>.

5 J. David Goodman and William Neuman, "Bill de Blasio's 'Vision' Shrinks as His Re-election Campaign Begins," *The New York Times*, March 1, 2017, <https://www.nytimes.com/2017/03/01/nyregion/nyc-mayor-bill-de-blasio.html>.

his campaign fundraising practices,<sup>6</sup> ongoing tensions with Democratic Governor Andrew Cuomo,<sup>7</sup> and a perceived preference for the national spotlight.<sup>8</sup>

## DEMOCRATIC PRIMARY

Rumored challengers to de Blasio for the Democratic primary included Congressman Hakeem Jeffries, City Council Speaker Melissa Mark-Viverito, Public Advocate Letitia James, Comptroller Scott Stringer, and Bronx Borough President Ruben Diaz Jr. Ultimately, however, none of them opted to run.

While no current office holders chose to vie for the Democratic nomination, the Democratic primary election did include former City Council Member Sal Albanese. Last elected to the Council in 1993, Albanese previously ran for mayor in 1997 and 2013. Attorney Richard Bashner, police reform advocate Robert Gangi, and entrepreneur Michael Tolkin were the other candidates on the Democratic primary ballot.

Another would-be challenger to de Blasio was former police detective and Fox News contributor Bo Dietl. Dietl had originally planned to challenge de Blasio in the Democratic primary, but he made an error while attempting to change his party registration to Democrat in 2016, marking boxes for both “Democrat” and “Independence.”<sup>9</sup> As a result, the Board of Elections left Dietl’s party affiliation blank, which kept him from being able to run in any party primary, and Dietl circulated independent nominating petitions to secure a place on the general election ballot, under the ballot line “Dump the Mayor.”<sup>10</sup>

Throughout the election cycle, the de Blasio campaign continued to lead the field in almost every count — polling, fundraising, endorsements, etc. — and by August of 2017, the mayor had raised 24 times as much as his next nearest Democratic opponent. The most frequent contribution size to de Blasio’s 2017 campaign was \$10. Additionally, 69 percent of all individual contributions<sup>11</sup> to the de Blasio campaign were \$175 or less. However, in a Statement of Need filed with the CFB, the mayor presented his main primary

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6 William K. Rashbaum, “No Charges, but Harsh Criticism for de Blasio’s Fund-Raising,” *The New York Times*, March 16, 2017, <https://www.nytimes.com/2017/03/16/nyregion/mayor-bill-de-blasio-investigation-no-criminal-charges.html>.

7 Elizabeth Mitchell, “How a friendly, airtight relationship between the Democratic heavyweights turned ugly. Is it beyond repair?” *Daily News*, October 31, 2016, <http://interactive.nydailynews.com/2016/10/inside-the-cuomo-deblasio-feud/index.html>.

8 Erin Durkin, Jennifer Fermino, and Bill Hutchinson, “Bill de Blasio leaves New York City to push his progressive agenda as crime at home appears to get worse,” *Daily News*, May 12, 2015, <http://www.nydailynews.com/news/politics/de-blasio-leaves-nyc-push-agenda-crime-rises-article-1.2220060>.

9 Erin Durkin and Stephen Rex Brown, “Appeals court denies Bo Dietl’s bid to run on party ticket after voter registration mishap,” *Daily News*, June 8, 2017, <http://www.nydailynews.com/news/politics/appeals-court-denies-bo-dietl-bid-run-party-ticket-article-1.3231808>.

10 Laura Nahmias, “New York City’s large party of third parties,” *POLITICO New York*, October 23, 2017, <https://www.politico.com/states/new-york/city-hall/story/2017/10/23/new-york-citys-large-party-of-third-parties-115176>.

11 Individual, family, spousal.

opponents, Albanese and Gangi, as substantial challengers in order to receive additional public funds.<sup>12</sup> In response to the de Blasio campaign's filing,<sup>13</sup> the Board awarded a total public funds payment of more than \$2.8 million to the campaign, rather than the \$950,000 he would have been eligible to receive under the 25 percent cap.<sup>14</sup> The de Blasio campaign received a total of \$3.5 million for the entire 2017 election cycle.

De Blasio went on to win the primary election by the largest margin of victory in a Democratic mayoral primary election going back at least three decades (see the table below).<sup>15</sup> At the same time, because de Blasio had been expected to win, turnout in the primary election sank to its lowest rate ever, with just 14 percent of active registered Democrats casting their ballots.<sup>16</sup>

CANDIDATE	AVERAGE CONTRIBUTION SIZE (INDIVIDUAL)	PRIVATE FUNDS	
Bill de Blasio	\$468	\$4,982,949	
Sal Albanese	\$214	\$207,746	
Michael Tolkin	\$117	\$181,643	
Robert Gangi	\$98	\$13,635	
Richard Bashner	\$356	\$90,648	
<b>ALL CANDIDATES</b>	<b>\$251</b>	<b>\$5,476,621</b>	

<sup>12</sup> In order to limit public funding in races where participants do not face substantial opposition, the Campaign Finance Act caps public funds payments at 25% of the maximum. Participating candidates who wish to receive additional public funds must submit to the CFB a certified Statement of Need showing their opponent meets one of seven conditions. See N.Y.C. Admin. Code § 3-703(7). For a further discussion of the Statement of Need, see Recommendation #11 in the Legislative Recommendations.

<sup>13</sup> De Blasio's Certified Statement of Need cited two of the criteria provided in the Act: the endorsement of primary opponent Sal Albanese by organizations with 250 or more members, including the Reform Party, Brooklyn Democrats for Change, and the NYC Small Business Congress; and "significant media exposure" of opponents Albanese and Robert Gangi.

<sup>14</sup> J. David Goodman, "Mayor de Blasio, Receiving Maximum City Funds, Agrees to Debate," *The New York Times*, August 3, 2017, <https://www.nytimes.com/2017/08/03/nyregion/mayor-de-blasio-campaign-funds-debate.html>.

<sup>15</sup> Shane Goldmacher, "How Bill de Blasio Overcame the Haters," *The New York Times*, November 3, 2017, [https://www.nytimes.com/2017/11/03/nyregion/how-bill-de-blasio-overcame-the-haters.html?\\_r=0](https://www.nytimes.com/2017/11/03/nyregion/how-bill-de-blasio-overcame-the-haters.html?_r=0).

<sup>16</sup> Erin Durkin and Jillian Jorgensen, "De Blasio cruises to victory in Democratic mayoral primary amid terrible voter turnout," *Daily News*, September 13, 2017, <http://www.nydailynews.com/new-york/de-blasio-set-win-low-turnout-democratic-mayoral-primary-article-1.3489468>.



De Blasio's re-election campaign outspent his four Democratic primary challengers combined by nearly four-to-one. De Blasio was the only candidate to qualify for and receive public matching funds before the primary. Among candidates in the primary, he also had the highest average individual contribution, while Gangi had the lowest.

CAMPAIGN SUMMARY / DEMOCRATIC PRIMARY / MAYOR <sup>17</sup>					
	OUTSTANDING LOANS	PUBLIC FUNDS	EXPENDITURES	VOTES	% VOTE
	\$0	\$2,869,678	\$2,569,414	343,054	71.4%
	\$0	\$0	\$185,656	70,521	15.2%
	\$0	Non-Participant	\$301,594	21,771	4.7%
	\$74,000	\$0	\$75,155	14,321	3.1%
	\$35,150	\$0	\$124,296	11,296	2.4%
	<b>\$109,150</b>	<b>\$2,869,678</b>	<b>\$3,256,115</b>	<b>480,569</b>	<b>—</b>

<sup>17</sup> Private funds and expenditures for candidates who appeared on both a primary and general election ballot include all transactions and refunds filed through Disclosure Statement #11. Private funds and expenditures for candidates who appeared only on a primary ballot include all transactions and refunds filed through Disclosure Statement #16. Private funds include contributions, transfers, and other receipts. Vote tallies and percentages are 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 January 26, 2018.

## REPUBLICAN NOMINATION

Republican party leaders, meanwhile, hoped “to avoid a contentious primary and present a stronger challenge in the general election” to Mayor de Blasio.<sup>18</sup> The party initially coalesced around Paul Massey, a millionaire real estate sales executive and first-time candidate for public office. Massey showed initial fundraising strength, out-raising the mayor by two-to-one between January and March of 2017.<sup>19</sup> In only a few months, his campaign had amassed upwards of \$3 million. When the legal problems of the mayor and his staff subsided in mid-March, *The New York Times* reported that “[de Blasio’s] path to re-election appears cleared of all but one notable challenger: Paul J. Massey.”<sup>20</sup>

However, Massey’s campaign reportedly stumbled out of the gate, with the candidate failing to articulate “positions on many key city issues” and spending “more money on campaign staff, consultants and fund-raising than he ha[d] taken in.”<sup>21</sup> In late April, Nicole Malliotakis, a three-term Assembly Member from Staten Island, registered to run for mayor. In mid-May, the Conservative Party endorsed Malliotakis, securing her a party line on the general election ballot.<sup>22</sup>

Towards the end of June, Massey dropped out of the race, “citing the cost of running against an incumbent as the reason for halting his bid.”<sup>23</sup> With Massey out of the race, Malliotakis stepped into the spotlight with no other challengers, allowing Republicans to avoid holding a primary, thereby becoming the first female Republican Party nominee for mayor since 1985.<sup>24</sup> By the July filing, she had raised close to \$350,000 in campaign contributions.<sup>25</sup>

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18 J. David Goodman, “One Way G.O.P. Hopes to Beat de Blasio: Avoid a Primary,” *The New York Times*, March 2, 2017, <https://www.nytimes.com/2017/03/02/nyregion/one-way-gop-hopes-to-beat-de-blasio-avoid-a-primary.html>.

19 “Massey raises twice as much as de Blasio in latest campaign filing,” *The Real Deal*, March 15, 2017, <https://therealdeal.com/2017/03/15/massey-raises-twice-as-much-as-de-blasio-in-latest-campaign-filing/>.

20 J. David Goodman, “More Campaign Money Hasn’t Stopped Political Stumbles for Paul Massey,” *The New York Times*, March 21, 2017, <https://www.nytimes.com/2017/03/21/nyregion/new-york-city-mayoral-candidate-paul-massey.html>.

21 See *id.*

22 Carl Campanile, “Conservative Party endorses Nicole Malliotakis for mayor,” *New York Post*, May 17, 2017, <https://nypost.com/2017/05/17/conservative-party-endorses-nicole-malliotakis-for-mayor/>.

23 J. David Goodman, “Paul Massey Unexpectedly Drops Out of New York City Mayor’s Race,” *The New York Times*, June 28, 2017, <https://www.nytimes.com/2017/06/28/nyregion/paul-massey-new-york-mayors-race.html>.

24 Ben Max, “Nicole Malliotakis on Trying to Become New York’s First Female Mayor,” *Gotham Gazette*, July 6, 2017, <http://www.gothamgazette.com/city/7050-nicole-malliotakis-on-trying-to-become-new-york-s-first-female-mayor>.

25 Jillian Jorgensen and James Fanelli, “GOP mayoral hopeful Nicole Malliotakis has raised \$350G for her campaign with help from two big Trump donors,” *Daily News*, July 14, 2017, <http://www.nydailynews.com/new-york/gop-mayor-hopeful-nicole-malliotakis-raises-350g-campaign-article-1.3327660>.

## GENERAL ELECTION

As with the primary election, the de Blasio campaign focused largely on his first-term achievements, but with an added twist — portraying de Blasio’s opponents as supporters of President Donald Trump, while positioning himself as the anti-Trump candidate.<sup>26</sup> At the same time, *POLITICO* reported in late September that the mayor appeared to be delaying taking a position on several issues that could “alienate large swaths of city voters,” including closing down Rikers.<sup>27</sup>

Along the way, de Blasio secured endorsements from *The New York Times* Editorial Board and several prominent Democratic officials, including Senate Minority Leader Chuck Schumer, Senator Elizabeth Warren, and Senator Bernie Sanders.

The first general election debate was held on October 10th between de Blasio, Malliotakis, and Dietl. Described by *The New York Times* as a “spark-emitting, 90-minute free-for-all,” both challengers took the opportunity to gang up against the mayor for a two-pronged attack, while de Blasio managed to stand his ground in “defense of his record and dismissing [Malliotakis and Dietl] as conservatives out of step with New York City’s electorate.”<sup>28</sup>

Two weeks prior to Election Day, one of the mayor’s biggest donors in the 2013 election, Jona Rechnitz, alleged that he had received favors from Mayor de Blasio in exchange for \$193,000 in bundled campaign contributions. These allegations were made under oath while Rechnitz was testifying as a witness in the federal corruption trial of former Correction Officers Benevolent Association president Norman Seabrook.<sup>29</sup> Rechnitz later admitted to doctoring emails from de Blasio,<sup>30</sup> which aligned with the mayor’s defense that Rechnitz was a “liar and a felon.”<sup>31</sup>

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26 Azi Paybarah, “De Blasio fundraises off opponent’s photo with Trump,” *POLITICO*, July 6, 2017, <https://www.politico.com/states/new-york/city-hall/story/2017/07/06/de-blasio-campaign-ties-malliotakis-to-trump-she-calls-it-a-distraction-113240>.

27 Gloria Pazmino, “De Blasio punts some big decisions until after Election Day,” *POLITICO*, September 19, 2017, <https://www.politico.com/states/new-york/albany/story/2017/09/18/de-blasio-punts-some-big-decisions-until-after-election-day-114568>.

28 William Neuman, “Sparks Fly at Mayoral Debate, as de Blasio Fends Off 2-Pronged Attack,” *The New York Times*, October 10, 2017, <https://www.nytimes.com/2017/10/10/nyregion/de-blasio-malliotakis-dietl-debate.html>.

29 Victoria Bekiempis and Greg B. Smith, “De Blasio donor brags about closeness with mayor, says he expected influence for funds at Seabrook trial,” *Daily News*, October 26, 2017, <http://www.nydailynews.com/new-york/de-blasio-donor-testifies-expected-lots-influence-article-1.3591348>.

30 Laura Nahmias, “Rechnitz admits to a string of falsehoods, including doctoring emails from de Blasio,” *POLITICO*, November 1, 2017, <https://www.politico.com/states/new-york/albany/story/2017/11/01/rechnitz-admits-to-a-string-of-falsehoods-including-doctoring-emails-from-de-blasio-115440>.

31 William Neuman, “De Blasio Says Donor Who Claimed Money Bought Access Is a ‘Liar,’” *The New York Times*, October 28, 2017, <https://www.nytimes.com/2017/10/28/nyregion/de-blasio-donor-liar.html>.

However, De Blasio's general election opponents seized the opportunity to criticize the mayor,<sup>32</sup> who had benefited from a last minute uptick in campaign contributions.<sup>33</sup> Malliotakis attempted to capitalize on the revelations by holding a campaign press conference outside of the CFB offices and calling on the Board to withhold public funds payments to de Blasio's campaign. For the first time in 50 years, the *Daily News* refused to endorse any candidate in the mayoral election,<sup>34</sup> as did good government group Citizens Union, citing de Blasio's "troubling ethical issues."<sup>35</sup>

Then, with only six days to go before the general election, eight people were killed and dozens injured in a terror attack in downtown Manhattan when a driver plowed a rented pickup truck down a bike path by the Hudson River. De Blasio's alleged pay-to-play scandal took a back seat to the developing story of the terror attack. The following evening, the attack was a front-and-center topic during the final televised mayoral debate before Election Day.<sup>36</sup>

Ultimately, de Blasio won the election with 66 percent of the vote, leading the mayor to declare his victory an "unquestionably clear mandate" to continue with his policy positions. Press coverage of the election results responded to the mayor's "mandate" claim by focusing instead on the low voter turnout.<sup>37</sup> However, voter turnout should have been even lower, given that the 2017 elections were characterized by a lack of competition due to term limits. For the first time in decades, turnout in the general election did not decrease from the previous mayoral election, outperforming expectations by staying consistent.<sup>38</sup> While an election in which only slightly more than one in five eligible voters cast a ballot might not seem worth celebrating, it is notable that New York City voters in 2017 halted a steady decline in turnout in city elections from 2001 to 2013.

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32 Madina Toure, "Bill de Blasio's Opponents Seize on Pay-to-Play Allegations," *New York Observer*, October 30, 2017, <http://observer.com/2017/10/de-blasio-election-pay-to-play/>.

33 Mary Kay Linge and Isabel Vincent, "Malliotakis campaign 'energized' after de Blasio pay-to-play scandal," *New York Post*, November 4, 2017, <https://nypost.com/2017/11/04/malliotakis-campaign-energized-after-de-blasio-pay-to-play-scandal/>.

34 *Daily News* Editorials, "Our verdict on Bill de Blasio: Why the News withholds its NYC mayoral endorsement," *Daily News*, November 5, 2017, <http://www.nydailynews.com/opinion/verdict-de-blasio-article-1.3609893>.

35 Jillian Jorgensen, "Civic group Citizens Union doesn't back any candidate for mayor, says de Blasio has 'troubling ethical issues,'" *Daily News*, October 30, 2017, <http://www.nydailynews.com/news/politics/civic-group-citizens-union-doesn-back-candidate-mayor-article-1.3600256>.

36 "Terror Prevention, De Blasio Pay-To-Play Allegations Dominate Fierce Final Mayoral Debate," *CBS New York*, November 1, 2017, <http://newyork.cbslocal.com/2017/11/01/final-nyc-mayoral-debate/>.

37 Brendan Cheney, "De Blasio claimed a mandate. Political scientists suggest there's no such thing." *POLITICO*, November 9, 2017, <https://www.politico.com/states/new-york/albany/story/2017/11/08/de-blasio-claimed-a-mandate-political-scientists-suggest-theres-no-such-thing-115583>.


38 For more information about voter turnout in the 2017 elections, see the CFB's 2017–2018 Voter Assistance Annual Report at <https://www.nycfb.info/media/reports/2017-2018-voter-assistance-annual-report/>.

The other two citywide races were less eventful. Incumbent public advocate Letitia James handily won a primary election against fellow Democrat David Eisenbach with 77 percent of the vote, and went on to face Republican Juan Carlos Polanco, Conservative Michael O'Reilly, James Lane of the Green Party, and Libertarian Devin Balkin in the general election. James, who participated in the Program and received \$756,486 in matching funds for the general election, won re-election with 74 percent of the November tally.

Incumbent comptroller Scott Stringer did not face a primary opponent. In the general election, he faced Republican Michel Faulkner, Julia Willebrand of the Green Party, and Libertarian Alex Merced. Stringer, who participated in the Program but did not take public funds for his race, debated Faulkner once as part of the CFB's Debate Program. Stringer was re-elected with 77percent of the vote in the general election.

Only one of the five incumbent borough presidents, Ruben Diaz Jr. of the Bronx, faced an opponent in the primary election, which he won with 86 percent of the vote. He and each of his fellow incumbents — Eric Adams in Brooklyn, Gale Brewer in Manhattan, Melinda Katz in Queens, and James Oddo in Staten Island — won re-election in November with at least 75 percent of the vote. All except for Adams participated in the Program and received matching funds: Brewer (\$209,334) Katz (\$567,464), and Oddo (\$215,737), as did Oddo's Democratic opponent, Thomas Shcherbenko (\$85,849). Diaz Jr. returned all the public funds he received.

While an election in which only slightly more than one in five eligible voters cast a ballot might not seem worth celebrating, it is notable that **New York City voters in 2017 halted a steady decline in turnout in city elections** from 2001 to 2013.



CANDIDATE	AVERAGE CONTRIBUTION SIZE (INDIVIDUAL)	PRIVATE FUNDS	
Bill de Blasio	\$551	\$1,562,398	
Nicole Malliotakis	\$194	\$1,188,592	
Sal Albanese	\$94	\$10,135	
Akeem Browder	\$62	\$2,493	
Michael Tolkin	\$40	\$351,525	
Bo Dietl	\$964	\$1,031,528	
Aaron Commey	\$126	\$2,378	
<b>ALL CANDIDATES</b>	<b>\$290</b>	<b>\$4,149,049</b>	

CAMPAIGN SUMMARY / GENERAL ELECTION / MAYOR <sup>39</sup>					
	OUTSTANDING LOANS	PUBLIC FUNDS	EXPENDITURES	VOTES	% VOTE
	\$0	\$618,446	\$7,674,403	760,112	66.2%
	\$0	\$2,485,212	\$3,724,005	316,947	27.6%
	\$0	\$0	\$31,953	24,484	2.1%
	\$0	\$0	\$2,342	16,536	1.4%
	\$0	Non-Participant	\$231,575	11,309	1.0%
	\$20,000	Non-Participant	\$1,074,013	11,163	1.0%
	\$0	\$0	\$2,714	2,770	0.2%
	<b>\$20,000</b>	<b>\$3,103,658</b>	<b>\$12,741,005</b>	<b>1,148,664</b>	—

<sup>39</sup> Private funds and expenditures for candidates who appeared on both a primary and general election ballot include all transactions and refunds filed between Disclosure Statement #12 through Disclosure Statement #16. Private funds and expenditures for candidates who appeared only on a general election ballot include all transactions and refunds filed through Disclosure Statement #16. Private funds include contributions, transfers, and other receipts. Vote tallies and percentages are 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 January 26, 2018.


## CAMPAIGN FOR ONE NEW YORK AND ADVISORY OPINION 2016-1

While candidates who participate in the Campaign Finance Program are subject to strict contribution and expenditure limits, outside organizations making expenditures that support or oppose candidates are not. To prevent participating candidates from using these organizations to evade contribution and expenditure limits, the Act prohibits campaigns from coordinating with outside organizations to make expenditures “in connection with a covered election” unless such expenditures are properly reported. Campaigns that do coordinate with outside organizations to make expenditures in connection with covered elections must disclose such expenditures as in-kind contributions from the organizations, and such contributions must be made and accepted in compliance with all applicable limits and restrictions. Campaigns that fail to report such coordinated expenditures may be penalized for contribution and expenditure limit violations, accepting a contribution from a prohibited source, and/or cooperating in expenditures reported as independent.

Shortly after the 2013 elections, Mayor Bill de Blasio announced the formation of the Campaign for One New York (CONY) for the purpose of lobbying for universal pre-kindergarten, affordable housing, and other policies associated with de Blasio’s 2013 campaign. In 2014 and 2015, CONY made more than \$4 million in expenditures advocating for those policies at the state level. During this time, de Blasio actively fundraised for CONY, attended meetings of the organization, and appeared in some of CONY’s print and video advertisements. CONY accepted large contributions from individuals, corporations, unions, and entities doing business with New York City. CONY also made expenditures to numerous individuals and entities that had been involved with de Blasio’s 2013 campaign.

In June 2015, Board staff began an inquiry into potential coordination between CONY and de Blasio’s 2017 campaign. In February 2016, Common Cause New York filed a complaint with the Board alleging improper coordination between de Blasio’s 2017 campaign, CONY, and another organization, United for Affordable NYC (UFANYC), which was formed to advocate for affordable housing. On July 6, 2016, the Board issued Advisory Opinion (AO) 2016-1 to clarify how it would evaluate whether coordinated expenditures by outside organizations were “made in connection with” a covered election. The Board also issued Final Board Determination (FBD) 2016-1, in which it applied the standards of AO 2016-1 to de Blasio’s 2017 campaign.



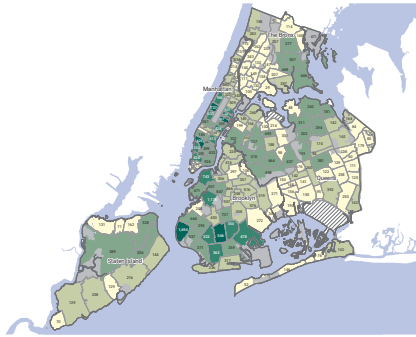


AO 2016-1 describes the Board’s evaluation of coordinated expenditures.<sup>40</sup> To assess whether a coordinated expenditure is made in connection with a covered election, the Board looks at the overall circumstances, as well as the timing of the expenditures. Other factors considered in this analysis include: 1) the promotion of a candidate or denigration of an opponent; 2) emphasis on a candidate over others also referenced; 3) targeted distribution to a candidate’s electorate; 4) an emphasis on a candidate’s past accomplishments, rather than an issue currently before a governmental body; 5) any overlap between campaign and organization staff, consultants, or fundraising; and 6) the organization’s history of advocacy. Generally, the Board is unlikely to find that expenditures made before the election year were “in connection with a covered election.” However, in certain instances where multiple factors apply or the timing is particularly suspect, the Board may consider earlier expenditures to have been made in connection with a covered election.

Based on the analysis and factors described in AO 2016-1, the Board determined in FBD 2016-1 that de Blasio’s 2017 campaign had coordinated with CONY, but that CONY did not make expenditures in connection with the 2017 mayoral election. In making this determination, the Board emphasized that CONY’s expenditures were made three years before Election Day, and that those expenditures largely concerned matters of public discussion that were concurrently being considered by governmental bodies.

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<sup>40</sup> The AO presumes that the campaign and the organization coordinated in the expenditures. Factors for assessing whether an expenditure is coordinated are listed in Board Rule 1-08(f).



# THE 2017 CITY COUNCIL ELECTIONS

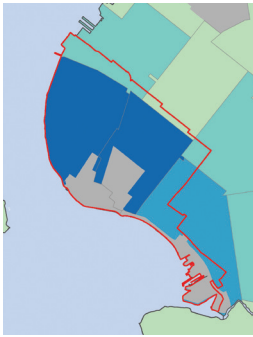
In 2017, there were only ten City Council seats out of 51 where the incumbent was not seeking re-election. For comparison, there were 20 open seats in the 2013 election cycle, and in 2021 there will be as many as 36 open seats.

Open seat races tend to be the most competitive. Without an incumbent running, a wide range of candidates tends to step forward. These races often feature first-time candidates launching

campaigns, many of whom take advantage of the Program by raising small-dollar contributions within their neighborhoods.

The 2017 open seats were no exception, with robust local elections being held throughout the city. Below we’ve highlighted several that stood out in our post-election analysis.

2017 OPEN CITY COUNCIL SEATS		
CITY COUNCIL DISTRICT	DEPARTING MEMBER	BOROUGH
2	Rosie Mendez	Manhattan
4	Daniel Garodnick	Manhattan
8	Melissa Mark-Viverito	Manhattan/Bronx
13	James Vacca	Bronx
18	Annabel Palma	Bronx
21	Julissa Ferreras	Queens
28	Ruben Wills	Queens
41	Darlene Mealy	Brooklyn
43	Vincent Gentile	Brooklyn
44	David Greenfield	Brooklyn



## DISTRICT 43 | BROOKLYN — BAY RIDGE, DYKER HEIGHTS, BENSONHURST, AND BATH BEACH

Candidates in this southern Brooklyn district received more public funds combined than in any other City Council race in 2017. All five candidates in the Democratic primary received the maximum amount of public funds available (\$100,100), while in the Republican primary, all but one candidate participated in the Program. All but one candidate participated in the Program for the general election as well. In most City Council districts, the Democratic primary decides the ultimate winner, but District 43 has historically seen more parity between the parties. As a result, competition was fierce within both the Democratic and Republican primaries, as well as in the general election. Indeed, this was the only district where three competitive elections were held in 2017.<sup>41</sup>

In total, eight candidates received \$989,789 in public matching funds throughout the election cycle, which accounted for 61 percent of total campaign spending in this district.

### *Republican Primary*

District 43 was also the only City Council election where a Republican primary was held. A mix of candidates were on the ballot for the Republican primary, including some first-timers and former candidates. John Quaglione, Deputy Chief of Staff and Press Secretary for State Senator Marty Golden, had previously run for the District 43 seat in the 2013 election cycle.<sup>42</sup> For Liam McCabe, on the other hand, this campaign was his first foray into running for office.<sup>43</sup> In the end, Quaglione won the primary, accumulating 47 percent of the vote and moving on to the general election.

Three out of four candidates on the ballot participated in the matching funds program and received funds — Quaglione and McCabe received full payments of \$100,100, while Robert Capano, who also had run before, received \$88,889. Lucretia Regina-Potter opted out of the Program. Quaglione won the primary.

Candidates in this southern Brooklyn district **received more public funds combined than in any other City race in 2017.**

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- <sup>41</sup> Elizabeth Michaelson Monaghan, "Brooklyn Council District Stands Alone as Site of Two Party Primaries," *City Limits*, September 7, 2017, <https://citylimits.org/2017/09/07/brooklyn-council-district-stands-alone-as-site-of-two-party-primaries/>.
- <sup>42</sup> Zainab Iqbal, "Meet Your Candidate: John Quaglione For Bay Ridge's District 43," *Bklyner*, September 5, 2017, <https://bklyner.com/meet-your-candidate-john-quaglione-for-bay-ridges-district-433/>.
- <sup>43</sup> Paula Katinas, "McCabe throws his hat into ring for council seat," *Brooklyn Daily Eagle*, February 7, 2017, <http://www.brooklyneagle.com/articles/2017/2/7/mccabe-throws-his-hat-ring-council-seat>.

CANDIDATE	AVERAGE CONTRIBUTION SIZE (INDIVIDUAL)	PRIVATE FUNDS	
John Quaglione	\$196	\$93,927	
Liam McCabe	\$124	\$62,917	
Bob Capano	\$150	\$46,221	
Lucretia Regina-Potter	\$143	\$766	
Kevin Carroll	\$218	\$67,610	
<b>ALL CANDIDATES</b>	<b>\$153</b>	<b>\$203,831</b>	

CANDIDATE	AVERAGE CONTRIBUTION SIZE (INDIVIDUAL)	PRIVATE FUNDS	
Justin Brannan	\$143	\$121,242	
Khader El-Yateem	\$267	\$113,373	
Nancy Tong	\$220	\$76,635	
Vincent Chirico	\$213	\$46,842	
Kevin Carroll	\$218	\$67,610	
<b>ALL CANDIDATES</b>	<b>\$212</b>	<b>\$425,702</b>	

44 Private funds and expenditures for candidates who appeared on both a primary and general election ballot include all transactions and refunds filed through Disclosure Statement #11. Private funds and expenditures for candidates who appeared only on a primary ballot include all transactions and refunds filed through Disclosure Statement #16. Private funds include contributions, transfers, and other receipts. Vote tallies and percentages are 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 January 26, 2018.

CAMPAIGN SUMMARY / REPUBLICAN PRIMARY / CITY COUNCIL DISTRICT 43 <sup>44</sup>					
	OUTSTANDING LOANS	PUBLIC FUNDS	EXPENDITURES	VOTES	% VOTE
	\$0	\$100,100	\$78,308	1,865	47.0%
	\$0	\$100,100	\$163,889	1,318	33.2%
	\$0	\$88,889	\$63,118	579	14.6%
	\$0	Non-Participant	\$766	182	4.6%
	\$0	\$100,100	\$165,252	604	6.4%
	<b>\$0</b>	<b>\$289,089</b>	<b>\$306,081</b>	<b>3,967</b>	—

CAMPAIGN SUMMARY / DEMOCRATIC PRIMARY / CITY COUNCIL DISTRICT 43 <sup>45</sup>					
	OUTSTANDING LOANS	PUBLIC FUNDS	EXPENDITURES	VOTES	% VOTE
	\$0	\$100,100	\$72,457	3,670	38.6%
	\$0	\$100,100	\$176,166	2,932	30.9%
	\$0	\$100,100	\$153,005	1,504	15.8%
	\$0	\$100,100	\$146,742	761	8.0%
	\$0	\$100,100	\$165,252	604	6.4%
	<b>\$0</b>	<b>\$500,500</b>	<b>\$713,622</b>	<b>9,493</b>	—

<sup>45</sup> Private funds and expenditures for candidates who appeared on both a primary and general election ballot include all transactions and refunds filed through Disclosure Statement #11. Private funds and expenditures for candidates who appeared only on a primary ballot include all transactions and refunds filed through Disclosure Statement #16. Private funds include contributions, transfers, and other receipts. Vote tallies and percentages are 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 January 26, 2018.

## *Democratic Primary*

In the Democratic primary, all five candidates on the ballot received the maximum public funds payments: Justin Brannan, Kevin Peter Carroll, Vincent Chirico, Khader El-Yateem, and Nancy Tong.

The candidates represented a broad range of political and community advocacy experience. For example, both Brannan and Carroll were staffers within the City Council, with Brannan serving as Chief of Staff to District 43's Council Member Vincent Gentile, and Carroll working as an aide to District 33's Stephen Levin. Chirico had also previously served in local government at the state level, as Chief of Staff to Assembly Member Peter Abbate of Assembly District 49. El-Yateem and Tong, on the other hand, brought experience as community advocates and volunteers to the table. El-Yateem, an Arab American who placed second in the vote count, entered the race new to politics but had experience working in the community as a Lutheran pastor and Community Board member. Tong, another first-time City Council candidate, was the first Asian American woman to serve as a district leader in Brooklyn and had also worked with Assembly Member William Colton of Assembly District 47 as a constituent services liaison.

After a highly competitive race among this diverse array of candidates, Brannan moved forward to the general election after receiving less than 50 percent of the vote, by a margin of 738, where he would face Quaglione, the Republican nominee.

CANDIDATE	AVERAGE CONTRIBUTION SIZE (INDIVIDUAL)	PRIVATE FUNDS	
Justin Brannan	\$225	\$50,667	
John Quaglione	\$282	\$39,558	
Angel Medina	\$0	\$0	
Bob Capano	\$93	\$935	
<b>ALL CANDIDATES</b>	<b>\$150</b>	<b>\$91,160</b>	

## General Election

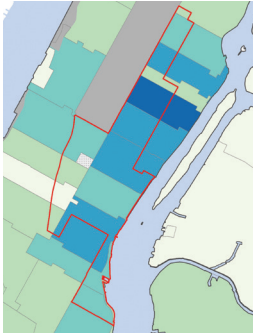
The general election in District 43 shaped up to be a fiercely competitive race between two well-connected candidates — Brannan and Quaglione. The general election ballot also included Capano on the Reform Party line, and Angel Medina on the Women’s Equality line, though each of these candidates received less than 2 percent of the vote count.

Both Brannan and Quaglione received full payments of public matching funds for the general election. Ultimately Brannan won the general election by only 794 votes.

Interestingly, however, District 43 was not the most competitive general election in terms of the narrowness of the margin of victory. That distinction falls to Council District 30, which is discussed later in this section. Nor did it have the highest voter turnout in the city — turnout in District 43 was 30.2 percent, compared to 37.7 percent in District 51 on the South Shore of Staten Island. This higher turnout in District 51 was likely due to Staten Islander Malliotakis’s candidacy in the mayoral race, as turnout is generally driven by the top of the ticket rather than by lower profile contests like City Council races.

CAMPAIGN SUMMARY / GENERAL ELECTION / CITY COUNCIL DISTRICT 43 <sup>46</sup>					
	OUTSTANDING LOANS	PUBLIC FUNDS	EXPENDITURES	VOTES	% VOTE
	\$0	\$100,100	\$286,524	12,894	50.2%
	\$0	\$100,100	\$249,079	12,100	47.1%
	\$0	Non-Participant	\$0	281	1.1%
	\$0	\$0	\$73,267	344	1.3%
	<b>\$0</b>	<b>\$200,200</b>	<b>\$608,870</b>	<b>25,668</b>	—

<sup>46</sup> Private funds and expenditures for candidates who appeared on both a primary and general election ballot include all transactions and refunds filed between Disclosure Statement #12 through Disclosure Statement #16. Private funds and expenditures for candidates who appeared only on a general election ballot include all transactions and refunds filed through Disclosure Statement #16. Private funds include contributions, transfers, and other receipts. Vote tallies and percentages are 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 January 26, 2018.



## DISTRICT 4 | MANHATTAN — UPPER EAST SIDE, MIDTOWN EAST, MURRAY HILL, PETER COOPER VILLAGE

District 4 saw the second highest public funds payments in the 2017 Council races, with seven different candidates receiving a total of \$874,096. Public funds amounted to 56 percent of the total spending in the race, which exceeded \$1.5 million.

### *Democratic Primary*

The Democratic primary field featured nine candidates, many of whom had prior public service experience working as staffers for elected officials (Keith Powers and Bessie Schachter for State Senator Liz Krueger; Jeffrey Mailman for Council Member Elizabeth Crowley), serving on local community

CANDIDATE	AVERAGE CONTRIBUTION SIZE (INDIVIDUAL)	PRIVATE FUNDS	
Keith Powers	\$206	\$119,885	
Marti Speranza	\$439	\$188,210	
Rachel Honig	\$136	\$61,298	
Bessie Schachter	\$242	\$70,962	
Vanessa Aronson	\$112	\$48,595	
Maria Castro	\$78	\$27,542	
Jeffrey Mailman	\$157	\$52,344	
Barry Shapiro	\$0	\$0	
Alec Hartman	\$216	\$35,692	
<b>ALL CANDIDATES</b>	<b>\$176</b>	<b>\$604,528</b>	



boards (Powers and Marti Speranza), or holding party positions (Speranza). This diverse array of candidates also included former NYC public school teacher Vanessa Aronson, consultant and judicial delegate Maria Castro, tech entrepreneur Alec Hartman, marketing agency owner Rachel L. Honig, and retired systems architect Barry Shapiro. Of these candidates, six (Aronson, Honig, Mailman, Powers, Schachter, and Speranza) qualified for public matching funds, with Honig, Powers, and Speranza receiving full payments of \$100,100.

The election came down to Powers and Speranza, with Powers eventually moving on to the general election by pulling ahead with 40 percent of the vote. Honig also continued on to the general election on the Liberal Party line.

CAMPAIGN SUMMARY / DEMOCRATIC PRIMARY / CITY COUNCIL DISTRICT 4 <sup>47</sup>					
	OUTSTANDING LOANS	PUBLIC FUNDS	EXPENDITURES	VOTES	% VOTE
	\$0	\$100,100	\$139,431	4,456	40.8%
	\$0	\$100,100	\$232,750	2,493	22.8%
	\$0	\$100,100	\$74,117	948	8.7%
	\$0	\$98,874	\$175,063	918	8.4%
	\$0	\$79,170	\$127,406	746	6.8%
	\$0	\$0	\$25,783	503	4.6%
	\$0	\$99,774	\$143,898	482	4.4%
	\$0	Non-Participant	\$0	232	2.1%
	\$0	\$0	\$34,924	109	1.0%
	<b>\$0</b>	<b>\$578,118</b>	<b>\$953,372</b>	<b>10,913</b>	<b>—</b>

<sup>47</sup> Private funds and expenditures for candidates who appeared on both a primary and general election ballot include all transactions and refunds filed through Disclosure Statement #11. Private funds and expenditures for candidates who appeared only on a primary ballot include all transactions and refunds filed through Disclosure Statement #16. Private funds include contributions, transfers, and other receipts. Vote tallies and percentages are 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 January 26, 2018.

## General Election

In terms of party support, District 4 is a split district, with some areas, especially Central Park East, showing support for Republican candidate Joe Lhota during the 2013 mayoral race and the rest of the district voting for de Blasio in 2013.<sup>48</sup> For the 2017 general election, Republicans saw the district as an opportunity to test “the politics of one of Manhattan’s few centrist areas.”<sup>49</sup> Republican district leader Rebecca Harary stepped forward as the party’s candidate for the District 4 seat. Founder of two nonprofit schools for students with learning disabilities, Harary styled herself as a socially liberal yet pragmatic candidate along the lines of former mayor Michael Bloomberg, a lifelong Democrat who ran as a Republican for mayor and had received support from District 4. Both Harary and Powers received public matching funds in the general election, as did Honig.

CANDIDATE	AVERAGE CONTRIBUTION SIZE (INDIVIDUAL)	PRIVATE FUNDS	
Keith Powers	\$228	\$53,018	
Rebecca Harary	\$234	\$77,506	
Rachel Honig	\$121	\$20,004	
<b>ALL CANDIDATES</b>	<b>\$194</b>	<b>\$150,528</b>	

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48 Map, “Election 2013: New York City Mayor,” *The New York Times*, <http://www.nytimes.com/projects/elections/2013/general/nyc-mayor/map.html>.

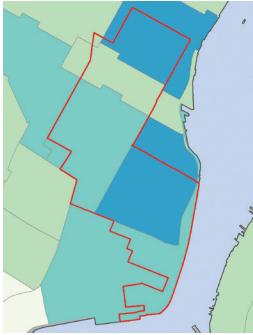
49 Mike Vilensky, “De Blasio, Trump Records at Center of Manhattan Council-Seat Race,” *The Wall Street Journal*, October 15, 2017, <https://www.wsj.com/articles/deblasio-trump-records-at-center-of-manhattan-council-seat-race-1508079600>.

Republicans hoped District 4 voters would turn out against the mayor, while Democrats hoped they would turn out against the president.<sup>50</sup> However, the race did not end up a close contest, as Powers walked to victory in the District 4 general election with 57 percent of the vote, and nearly double the number of votes collected by his closest competitor.

CAMPAIGN SUMMARY / GENERAL ELECTION / CITY COUNCIL DISTRICT 4 <sup>51</sup>					
	OUTSTANDING LOANS	PUBLIC FUNDS	EXPENDITURES	VOTES	% VOTE
	\$0	\$100,100	\$230,462	16,496	57.2%
	\$0	\$100,100	\$174,510	8,891	30.8%
	\$0	\$95,778	\$206,624	3,422	11.9%
	<b>\$0</b>	<b>\$295,978</b>	<b>\$611,596</b>	<b>28,837</b>	—

<sup>50</sup> See *id.*

<sup>51</sup> Private funds and expenditures for candidates who appeared on both a primary and general election ballot include all transactions and refunds filed between Disclosure Statement #12 through Disclosure Statement #16. Private funds and expenditures for candidates who appeared only on a general election ballot include all transactions and refunds filed through Disclosure Statement #16. Private funds include contributions, transfers, and other receipts. Vote tallies and percentages are 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 January 26, 2018.



## DISTRICT 2 | MANHATTAN — EAST VILLAGE, GRAMERCY PARK, KIPS BAY, LOWER EAST SIDE, MURRAY HILL, ROSE HILL

Formerly held by Council Member Rosie Mendez, District 2’s Council seat was won in a landslide during both the Democratic primary and the general election by Carlina Rivera, Mendez’s former legislative director. Despite a crowded field during the Democratic primary, Rivera received a resounding 61 percent of the vote over the five other candidates — Ronnie Cho, Erin Hussein, Jasmin Sanchez, Mary Silver, and Jorge L. Vasquez.

In total, nine candidates competed for the District 2 seat throughout the election cycle. With the exception of Cho, all Democratic primary candidates participated in the Program, and among the general election candidates, Don Garrity, who ran on the Libertarian line, and Jimmy McMillan, best known for starting the

CANDIDATE	AVERAGE CONTRIBUTION SIZE (INDIVIDUAL)	PRIVATE FUNDS	
Carlina Rivera	\$139	\$176,142	
Mary Silver	\$168	\$110,263	
Ronnie Sung Cho	\$182	\$157,009	
Jorge L. Vasquez	\$98	\$42,261	
Jasmin Sanchez	\$155	\$20,058	
Erin Hussein	\$103	\$6,698	
<b>ALL CANDIDATES</b>	<b>\$129</b>	<b>\$26,756</b>	

“Rent is 2 Damn High” Party, also participated. Rivera, Silver, and Vasquez each received public funds payments for a combined total of \$309,277.

Rivera positioned herself as “part of the city’s vocal resistance” to the federal government’s immigration policies throughout her campaign.<sup>52</sup> Coming in second in the race was Silver, an attorney with prior experience

<sup>52</sup> Sarah Kerr, “Campaign Finance Filings Show District 2 Council Race is Heating Up (Updated),” *The Lo-Down*, March 21, 2017, <http://www.thelodownny.com/leslog/2017/03/campaign-finance-filings-show-district-2-council-race-is-heating-up.html>.

as a community board and community education council member. Cho, a former staffer for the 2008 Obama campaign, placed third in the race, despite starting his campaign with high-profile endorsements, significant press attention, and successful early fundraising.<sup>53</sup> Vasquez, an attorney who had previously served on the NYC Commission on Human Rights, received almost as many primary votes as Cho. Hussein, a writer and attorney, dropped out of the race days before the primary, endorsing Vasquez, while Sanchez, a school program director and former community liaison to State Senator Daniel Squadron, continued on to the general election on the Liberal Party line.<sup>54</sup>

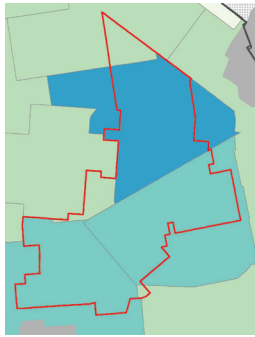
After winning the Democratic Primary, Rivera walked to victory in the general election, winning over 80 percent of the vote.

CAMPAIGN SUMMARY / DEMOCRATIC PRIMARY / CITY COUNCIL DISTRICT 2 <sup>55</sup>					
	OUTSTANDING LOANS	PUBLIC FUNDS	EXPENDITURES	VOTES	% VOTE
	\$0	\$98,592	\$129,204	8,354	60.5%
	\$0	\$100,100	\$209,527	2,282	16.5%
	\$69,185	Non-Participant	\$241,393	1,181	8.6%
	\$0	\$86,160	\$130,036	1,040	7.5%
	\$0	\$0	\$18,601	638	4.6%
	\$0	\$0	\$6,312	267	1.9%
	<b>\$69,185</b>	<b>\$284,852</b>	<b>\$24,913</b>	<b>13,800</b>	—

<sup>53</sup> Jillian Jorgensen, “EXCLUSIVE: City Council hopeful gets campaign help from former Obama aides,” *Daily News*, May 3, 2017, <http://www.nydailynews.com/new-york/manhattan/nyc-council-hopeful-campaign-obama-aides-article-1.3131903>.

<sup>54</sup> Maria Rocha-Buschel, “Hussein drops out of District 2 Council race, endorses Vasquez,” *Town & Village*, September 8, 2017, <https://town-village.com/2017/09/08/hussein-drops-out-of-district-2-council-race-endorses-vasquez/>.

<sup>55</sup> Private funds and expenditures for candidates who appeared on both a primary and general election ballot include all transactions and refunds filed through Disclosure Statement #11. Private funds and expenditures for candidates who appeared only on a primary ballot include all transactions and refunds filed through Disclosure Statement #16. Private funds include contributions, transfers, and other receipts. Vote tallies and percentages are 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 January 26, 2018.



## DISTRICT 41 | BROOKLYN — BEDFORD-STUYVESANT, OCEAN HILL-BROWNSVILLE, EAST FLATBUSH, CROWN HEIGHTS

The race in Brooklyn’s City Council District 41 is another race in which the eventual victor emerged from a crowded and diverse set of candidates during the primary. With several of the city’s lowest per-capita income neighborhoods represented in this district, issues like affordable housing, employment opportunities, quality of schools, and social services were hotly debated throughout the election cycle.<sup>56</sup>

CANDIDATE	AVERAGE CONTRIBUTION SIZE (INDIVIDUAL)	PRIVATE FUNDS	
Alicka Ampry-Samuel	\$172	\$99,028	
Henry Butler	\$170	\$82,321	
Cory Provost	\$76	\$24,449	
Moreen King	\$108	\$30,047	
Deidre Olivera	\$71	\$43,443	
Royston Antoine	\$42	\$3,860	
Victor Jordan	\$195	\$8,472	
David Miller	\$0	\$0	
Leopold Cox	\$44	\$14,689	
<b>ALL CANDIDATES</b>	<b>\$98</b>	<b>\$306,309</b>	

<sup>56</sup> Andrea Leonhardt, “District 41 Candidates Discuss Housing, Economic Growth During Brownsville Community Forum,” *BK Reader*, September 1, 2017, <https://www.bkreader.com/2017/09/district-41-candidates-discuss-housing-economic-growth-brownsville-community-forum/>; Richard Hake, “City Council Races 2017: Talent in Brownsville,” *WNYC News*, September 7, 2017, <https://www.wnyc.org/story/city-council-races-2017-spotlight-brownsville/>.

There were nine candidates on the ballot for District 41’s Democratic primary, eight of whom participated in the public matching funds program. Of these eight participants, five received public matching funds.

Alicka Ampry-Samuel, Henry Butler, and Cory Provost each received the full payment of \$100,100 in the primary. Moreen King and Deidre Olivera received matching funds payments as well. Across both the primary and general elections, a total of \$399,162 was paid out to the five candidates who qualified (most of the payments occurred during the primary, with only \$7,566 paid out in the general). Public funds provided the majority of funding for candidates in this race, accounting for 56 percent of the total spending in District 41.

CAMPAIGN SUMMARY / DEMOCRATIC PRIMARY / CITY COUNCIL DISTRICT 41 <sup>57</sup>					
	OUTSTANDING LOANS	PUBLIC FUNDS	EXPENDITURES	VOTES	% VOTE
	\$0	\$100,100	\$65,879	3,385	31.2%
	\$0	\$100,100	\$182,941	2,389	22.0%
	\$0	\$100,100	\$128,197	1,214	11.2%
	\$0	\$36,288	\$71,062	922	8.5%
	\$0	\$55,008	\$99,546	879	8.1%
	\$4,000	\$0	\$4,825	620	5.7%
	\$0	\$0	\$4,204	572	5.3%
	\$0	Non-Participant	\$0	527	4.9%
	\$0	\$0	\$14,574	313	2.9%
	<b>\$4,000</b>	<b>\$391,596</b>	<b>\$571,228</b>	<b>10,838</b>	—

57 Private funds and expenditures for candidates who appeared on both a primary and general election ballot include all transactions and refunds filed through Disclosure Statement #11. Private funds and expenditures for candidates who appeared only on a primary ballot include all transactions and refunds filed through Disclosure Statement #16. Private funds includes contributions, transfers, and other receipts. Vote tallies and percentages are 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 January 26, 2018.

Many of the candidates had strong ties to the community that they sought to represent. A lifelong civil servant with experience at both the city and state levels, Ampry-Samuel grew up in Brownsville and later served as Chief of Staff for Assembly Member Latrice Walker. Local business owner Royston “Uncle Roy” Antoine, whose clothing store has employed generations of Brownsville residents, has lived in the district for 45 years and previously ran for State Assembly. Butler, a native of Bed-Stuy and former MTA train conductor, served as a member of his local community board for eight years and a district manager for four years. Moreen King, a longtime resident of Flatbush, founded two educational centers in Brooklyn and also served on her local community board. Another Brownsville native and local business owner, Deidre Olivera, drew on her years of experience as a community activist and union advocate throughout her campaign. Cory Provost, who grew up in Bed-Stuy, Brownsville, and East New York, served in his community as district leader for the 58th Assembly District in 2012 and worked for Comptroller Scott Stringer, conducting NYCHA audits. And both Leopold Cox, an East Flatbush resident and third-year law school student who has worked as a TWU union member for 25 years, and Victor Jordan, a math teacher and community board member who had previously run for office in the State Assembly, also cited their close ties to their communities.

Local politicians coalesced behind Ampry-Samuel, as did Mayor Bill de Blasio. Ampry-Samuel won the primary by nearly 1,000 votes, after one of the highest turnout primary races for City Council. Having won the competitive primary with less than 50 percent of the vote, Ampry-Samuel handily won the general election, receiving 96 percent of the vote count over candidates Christopher Carew and Berneda Jackson.

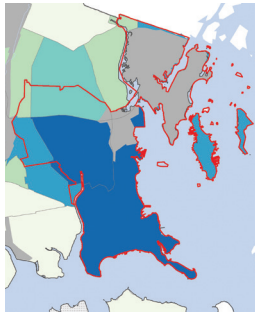
## STATE OFFICIALS RUNNING IN THE CITY

In 2017, a handful of state legislators ran for New York City Council seats. Districts 8, 13, and 18 in the Bronx, District 21 in Queens, and District 38 in Brooklyn each included a state official on the ballot in their respective Democratic primaries. Most of these were open seat races without an incumbent running, with the exception of District 38, in which Assembly Member Felix Ortiz challenged incumbent City Council Member Carlos Menchaca.

Candidates coming from the State Legislature tend to be more established, well-funded, and well-connected than first-time candidates. When a sitting state official enters an open seat election, the dynamic tends to shift, becoming similar to a race featuring an incumbent. However, public financing of elections helps less-connected candidates and reduces the inherent benefits that come with holding elected office, making for more competitive elections. This next section will examine how this played out in two very different City Council races.

Public financing  
of elections  
**reduces the  
inherent benefits  
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holding elected  
office, making  
for more  
competitive  
elections.**





## **DISTRICT 13 | BRONX — ALLERTON, CITY ISLAND, COUNTRY CLUB, EDGEWATER PARK, FERRY POINT, LOCUST POINT, MORRIS PARK, PELHAM BAY, PELHAM GARDENS, PELHAM PARKWAY, SCHUYLERVILLE, SILVER BEACH, SPENCER ESTATES, THROGGS NECK, VAN NEST, WATERBURY LASALLE, WESTCHESTER SQUARE, ZEREGA**

The race in District 13 set a new record for the most money ever spent in a City Council race in the 30 years since the Campaign Finance Act was passed. Assembly Member Mark Gjonaj spent \$1.3 million on his campaign for this Council seat, which was twice the amount spent by all the other District 13 candidates combined, and five times as much as his closest competitor, Marjorie Velazquez.

Despite this significant disparity in spending, the primary and general races both resulted in close outcomes. This was due in part to the public matching funds program, which paid out \$372,198 over the course of the election. There were five candidates in the Democratic primary and five in the general election. With the exception of Gjonaj, all candidates in both of these races participated in the public matching funds program with three (Velazquez, Doyle, and Cerini) receiving public funds. As a non-participant, Gjonaj raised private funds supplemented with a significant amount of his own capital. Opting into the program allowed several of his opponents to run competitive campaigns despite this spending gap, especially during the primary.

### *Democratic Primary*

Velazquez, who has served as a district leader for her Assembly district twice and was endorsed by Council Member Ritchie Torres and District 13's sitting Council Member Jimmy Vacca, received the full public funds payment in the Democratic primary, as did John Doyle, a former district manager for State Senator Jeffrey Klein. Other candidates in the Democratic primary included Victor R. Ortiz, a school teacher, and Egidio Sementilli, Director of the Pelham Bay Community Home Improvement and Safety Organization.

Gjonaj won the primary race by a margin of fewer than 400 votes. Velasquez came in a close second place with 34 percent of the vote, and John Doyle received 19 percent.

### *General Election*

The general election in District 13 proved to be a close race as well. Velasquez, who appeared on the general ballot on the Working Families Party line, and Republican candidate John Cerini, an accountant and local business owner, both received public funds payments for the general election. Doyle appeared on the general election on the Liberal Party line, as did Alex Gomez, program director at Phipps Neighborhoods, who ran on the New Bronx Party line.

Again, Gjonaj outspent his closest competition by nearly five times in the general election, pulling away from the other candidates with 49 percent of the vote. Cerini placed second with 36 percent, and Velasquez came in third with 13 percent.

CANDIDATE	AVERAGE CONTRIBUTION SIZE (INDIVIDUAL)	PRIVATE FUNDS	
Mark Gjonaj	\$670	\$695,303	
Marjorie Velazquez	\$183	\$115,649	
John Doyle	\$129	\$873,378	
Victor Ortiz	\$16	\$1,568	
Egidio Sementilli	\$76	\$11,240	
<b>ALL CANDIDATES</b>	<b>\$215</b>	<b>\$1,697,138</b>	

CANDIDATE	AVERAGE CONTRIBUTION SIZE (INDIVIDUAL)	PRIVATE FUNDS	
Mark Gjonaj	\$474	\$225,948	
John Cerini	\$144	\$56,240	
Majorie Velazquez	\$395	\$23,393	
John Doyle	\$90	\$3,295	
Alex Gomez	\$77	\$6,840	
<b>ALL CANDIDATES</b>	<b>\$236</b>	<b>\$315,716</b>	

58 Private funds and expenditures for candidates who appeared on both a primary and general election ballot include all transactions and refunds filed through Disclosure Statement #11. Private funds and expenditures for candidates who appeared only on a primary ballot include all transactions and refunds filed through Disclosure Statement #16. Private funds include contributions, transfers, and other receipts. Vote tallies and percentages are 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 January 26, 2018.

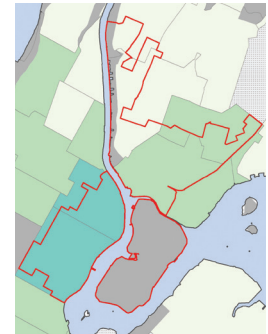
CAMPAIGN SUMMARY / DEMOCRATIC PRIMARY / CITY COUNCIL DISTRICT 13 <sup>58</sup>					
	OUTSTANDING LOANS	PUBLIC FUNDS	EXPENDITURES	VOTES	% VOTE
	\$175,000	Non-Participant	\$648,671	3,503	38.5%
	\$0	\$100,100	\$151,909	3,113	34.2%
	\$0	\$100,100	\$131,596	1,728	19.0%
	\$0	\$0	\$1,830	481	5.3%
	\$0	\$0	\$11,129	270	3.0%
	<b>\$175,000</b>	<b>\$200,200</b>	<b>\$945,135</b>	<b>9,109</b>	—

CAMPAIGN SUMMARY / GENERAL ELECTION / CITY COUNCIL DISTRICT 13 <sup>59</sup>					
	OUTSTANDING LOANS	PUBLIC FUNDS	EXPENDITURES	VOTES	% VOTE
	\$200,000	Non-Participant	\$641,180	10,602	48.6%
	\$0	\$100,100	\$138,987	7,791	35.7%
	\$0	\$71,898	\$107,430	2,829	13.0%
	\$0	\$0	\$58,119	442	2.0%
	\$0	\$0	\$6,812	121	0.6%
	<b>\$200,000</b>	<b>\$171,998</b>	<b>\$952,528</b>	<b>21,806</b>	—

<sup>59</sup> Private funds and expenditures for candidates who appeared on both a primary and general election ballot include all transactions and refunds filed between Disclosure Statement #12 through Disclosure Statement #16. Private funds and expenditures for candidates who appeared only on a general election ballot include all transactions and refunds filed through Disclosure Statement #16. Private funds include contributions, transfers, and other receipts. Vote tallies and percentages are 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 January 26, 2018.

## DISTRICT 8 | MANHATTAN AND THE BRONX — EL BARRIO/ EAST HARLEM, MOTT HAVEN, HIGHBRIDGE, CONCOURSE, LONGWOOD, PORT MORRIS

The race in City Council District 8 included another state official campaigning for city office. However, unlike District 13's race, all candidates participated in the public matching funds program. The Democratic Primary was also remarkably close, with the outcome decided by just 117 votes.



### *Democratic Primary*

In the Democratic primary, Assembly Member Robert Rodriguez raised nearly \$60,000 more than his closest competitor, Diana Ayala, a former constituent services director and deputy chief of staff to the incumbent City Council Member for District 8, Speaker Melissa Mark-Viverito. While the name recognition and connections

CANDIDATE	AVERAGE CONTRIBUTION SIZE (INDIVIDUAL)	PRIVATE FUNDS	
Diana Ayala	\$106	\$88,908	
Robert Rodriguez	\$331	\$147,033	
Tamika Mapp	\$79	\$6,341	
Israel Martinez	\$14	\$1,140	
<b>ALL CANDIDATES</b>	<b>\$133</b>	<b>\$243,422</b>	

that come with being an incumbent state official are significant advantages in any race, Ayala was not without her own advantages, citing her significant public service experience and accomplishments working under Mark-Viverito throughout the race.<sup>60</sup> Both candidates received endorsements from other Bronx officials, with Bronx Borough President Ruben Diaz Jr. endorsing Ayala and Assembly Member Marcos Crespo, chairman of the Bronx Democratic Party, endorsing Rodriguez.<sup>61</sup>

<sup>60</sup> Sam Raskin, "For Mark-Viverito's Seat: Leading Candidates with Long Community Resumes," *Gotham Gazette*, August 22, 2017, <http://www.gothamgazette.com/city/7143-for-mark-viverito-s-seat-leading-candidates-with-long-community-resumes>.

<sup>61</sup> Shant Shahrigian, "City Council Speaker's Open Seat Sparks Political Rift in Bronx," *DNAinfo*, May 19, 2017, <https://www.dnainfo.com/new-york/20170519/concourse/city-council-speaker-open-seat-political-rift-bronx/>.

News coverage of the race largely broke in Ayala's favor. During a dispute between Mayor Bill de Blasio and Governor Andrew Cuomo over control of the city's public school system, Rodriguez came under fire for missing a crucial vote in Albany over the issue. Ayala took the opportunity to criticize her opponent for missing the vote.<sup>62</sup>

As Program participants, both candidates received public matching funds, with Rodriguez receiving a public funds payment of \$96,600 and Ayala receiving the full primary payment of \$100,100. Far behind in fundraising were the two other candidates, local businesswoman Tamika Mapp and Israel Martinez, a district leader and former District 77 State Assembly Member, both of whom failed to qualify for matching funds.

The outcome of the election was so close that Rodriguez did not concede until six days after the primary election.<sup>63</sup> The final certified vote total had Ayala winning with 43.5 percent of the vote, to Rodriguez's 42.2 percent — a difference of just 117 votes.

CAMPAIGN SUMMARY / DEMOCRATIC PRIMARY / CITY COUNCIL DISTRICT 8 <sup>64</sup>					
	OUTSTANDING LOANS	PUBLIC FUNDS	EXPENDITURES	VOTES	% VOTE
	\$0	\$100,100	\$138,389	4,012	43.5%
	\$0	\$96,600	\$194,950	3,895	42.2%
	\$9,845	\$0	\$16,162	902	9.8%
	\$0	\$0	\$925	393	4.3%
	<b>\$9,845</b>	<b>\$196,700</b>	<b>\$350,426</b>	<b>9,223</b>	—

<sup>62</sup> Aaron Holmes, "State Assembly member and City Council hopeful was no-show at crucial school control vote," *Daily News*, July 2, 2017, <http://www.nydailynews.com/new-york/city-council-hopeful-hit-absence-school-control-vote-article-1.3296308>.

<sup>63</sup> Joe Hirsch, "Rodriguez concedes: Diana Ayala wins primary, will face Republican in November election," *Mott Haven Herald*, September 19, 2017, <http://www.motthavenherald.com/2017/09/19/rodriguez-concedes-diana-ayala-to-face-republican-in-nov-7-general-election/>.

<sup>64</sup> Private funds and expenditures for candidates who appeared on both a primary and general election ballot include all transactions and refunds filed through Disclosure Statement #11. Private funds and expenditures for candidates who appeared only on a primary ballot include all transactions and refunds filed through Disclosure Statement #16. Private funds include contributions, transfers, and other receipts. Vote tallies and percentages are 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 January 26, 2018.

## General Election

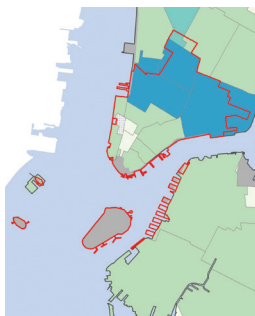
After winning the closest primary election in 2017, Ayala received 91 percent of the vote over Daby Carreras, the Republican Party candidate, and Linda Ortiz, the Conservative Party candidate.

## INCUMBENTS FACING OPPOSITION

One of the key impacts of New York City's matching funds program is that incumbent city legislators face meaningful opposition more often than their state and federal counterparts. Even with term limits ensuring an open competition in every district at least once every eight years, a sitting City Council member is still more likely to be challenged than an incumbent Assembly member or state senator.

Among state legislators representing New York City who were sworn into office in January 2017, 24 of 91 seats (26.3 percent) were held by candidates who faced no competition in their primary or general election.<sup>65</sup> By contrast, just 12 percent of City Council incumbents ran entirely unopposed in 2017. Of the 41 City Council incumbents running for re-election in 2017, 36 faced an opponent on the ballot in the primary and/or general elections, while 21 faced an opponent on both ballots.

Of the Council members seeking re-election, 23 were opposed by challengers who received public matching funds. Some incumbents faced close calls in 2017; Margaret Chin (District 1), Bill Perkins (District 9), Carlos Menchaca (District 38), and Mathieu Eugene (District 40) each won re-election while receiving less than 50 percent of the vote in their primary elections. Other incumbents, including Helen Rosenthal (District 6) and Laurie Cumbo (District 35), faced spirited challenges from candidates they had outpolled to win election to the Council four years earlier.



### **DISTRICT 1 | MANHATTAN — BATTERY PARK CITY, CIVIC CENTER, CHINATOWN, FINANCIAL DISTRICT, LITTLE ITALY, THE LOWER EAST SIDE, NOHO, SOHO, SOUTH STREET SEAPORT, SOUTH VILLAGE, TRIBECA & WASHINGTON SQUARE**

#### *Democratic Primary*

The race in lower Manhattan's District 1 was one of the tightest races in the city. All four candidates on the Democratic primary ballot participated in the matching funds program, with three qualifying for payments. Incumbent Margaret Chin received the full public funds payment of \$100,100 for the primary, as did Christopher Marte, a Lower East Side native and former consultant and retirement fund analyst who became Chin's closest challenger in the race. Dashia Imperiale, an artist

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<sup>65</sup> See 2016 Voters Directory: A Nonpartisan Guide to Informed Voting, General Election, Citizens Union of the City of New York, available at <https://echalk-slate-prod.s3.amazonaws.com/private/districts/466/resources/0aa3df5a-c2fc-4732-93bd-887a75826dc8?AWSAccessKeyId=AKIAJSZKIBPXGFLSZTYQ&Expires=1812364900&response-cache-control=private%2C%20max-age%3D31536000&response-content-disposition=%3Bfilename%3D%22Full%2520Directory%2520single%2520document%2520PDF.pdf%22&response-content-type=application%2Fpdf&Signature=YM2ONBkJZRv8erPHa0Mrj7UpKbE%3D>.

and former President of the Grand Street Guild Tenant Association, received public funds payments totaling \$25,025 in the primary, while Aaron Foldenauer, an attorney and Financial District resident, did not qualify for matching funds during the primary.

One of the most prominent issues in the District 1 race was residents' concerns over real estate development and rezoning in the area, especially regarding proposed plans to build three skyscrapers along the waterfront in the Two Bridges neighborhood.<sup>66</sup> Marte and the other challengers used the controversy to criticize Chin, saying she should have fought harder to get more of the district protected.<sup>67</sup> Results of the primary election were too close to call on the night of the election, but eventually, Chin was declared the winner with 46 percent of the vote, while Marte received 44 percent — a difference of only 222 votes.<sup>68</sup>

### *General Election*

In a surprising turn of events, five voters in the Independence Party wrote in Marte's name on their party's primary ballot. While Marte had not received an official endorsement from the Independence Party or campaigned for the third party line, these five write-in votes allowed him to secure a spot on the general election ballot.<sup>69</sup> Marte then pledged to move forward with a general election campaign, citing the close finish of the Democratic primary as evidence of dissatisfaction with current leadership in the district.<sup>70</sup>

Three of the four candidates on the general election ballot participated in the matching funds program, with Chin receiving a full payment of \$100,100 and Marte receiving a payment of \$85,608. Aaron Foldenauer, who placed third in the Democratic primary, ran on the Liberal Party line in the general and received \$85,308.

With Marte running on the Independence Party line, the general election became a re-match of sorts. Late in the race, Marte received key primary endorsements from several community organizations and leaders.<sup>71</sup> However, these endorsements were not enough to put Marte in front of Chin. While the race was still relatively close, Chin won the election, carrying just shy of 50 percent of the vote on Election Day.

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66 Abigail Savitch-Lew, "Local Electeds, Stakeholders Demand City Planning Commission Halt Two Bridges Developments," *City Limits*, July 21, 2017, <https://citylimits.org/2017/07/21/local-electeds-stakeholders-demand-city-planning-commission-halt-two-bridges-developments/>.

67 Jarrett Murphy, "Development is Top Issue in Race for Lower Manhattan Council Seat," *City Limits*, August 8, 2017, <https://citylimits.org/2017/08/08/1695612/>.

68 Allegra Hobbs, "Challenger Who Barely Lost Primary To Councilwoman Chin Is Running Again," *DNAinfo*, October 4, 2017, <https://www.dnainfo.com/new-york/20171004/lower-east-side/christopher-marte-challenge-margaret-chin-general-election-city-council-district-1/>.

69 Erin Durkin, "Manhattan councilwoman faces opposing bid from former Democratic challenger after he wins independence line," *Daily News*, October 4, 2017, <http://www.nydailynews.com/new-york/queens/councilwoman-facing-surprise-independent-opponent-article-1.3539249>.

70 Allegra Hobbs, "Challenger Who Barely Lost Primary To Councilwoman Chin Is Running Again," *DNAinfo*, October 4, 2017, <https://www.dnainfo.com/new-york/20171004/lower-east-side/christopher-marte-challenge-margaret-chin-general-election-city-council-district-1/>.

71 Frank G. Runyeon and Jeff Coltin, "Pro-garden nonprofit plays politics in backing Margaret Chin's rival," *City & State*, November 5, 2017, <https://cityandstateny.com/articles/politics/campaigns-and-elections/elizabeth-street-garden-nonprofit-plays-politics-in-backing-margaret-chin-challenger-christopher-marte.html>.

CANDIDATE	AVERAGE CONTRIBUTION SIZE (INDIVIDUAL)	PRIVATE FUNDS	
Margaret S. Chin	\$200	\$127,184	
Christopher Marte	\$183	\$83,120	
Aaron Foldenauer	\$180	\$28,377	
Dashia Imperiale	\$63	\$19,658	
<b>ALL CANDIDATES</b>	<b>\$157</b>	<b>\$258,339</b>	

CANDIDATE	AVERAGE CONTRIBUTION SIZE (INDIVIDUAL)	PRIVATE FUNDS	
Margaret S. Chin	\$175	\$46,560	
Christopher Marte	\$132	\$48,688	
Bryan Jung	0	\$100	
Aaron Foldenauer	\$92	\$14,545	
<b>ALL CANDIDATES</b>	<b>\$100</b>	<b>\$109,893</b>	

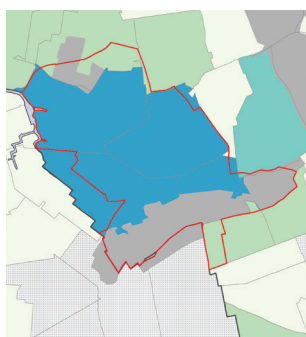
<sup>72</sup> Private funds and expenditures for candidates who appeared on both a primary and general election ballot include all transactions and refunds filed through Disclosure Statement #11. Private funds and expenditures for candidates who appeared only on a primary ballot include all transactions and refunds filed through Disclosure Statement #16. Private funds include contributions, transfers, and other receipts. Vote tallies and percentages are 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 January 26, 2018.



CAMPAIGN SUMMARY / DEMOCRATIC PRIMARY / CITY COUNCIL DISTRICT 1 <sup>71</sup>					
	OUTSTANDING LOANS	PUBLIC FUNDS	EXPENDITURES	VOTES	% VOTE
	\$0	\$100,100	\$116,295	5,363	45.8%
	\$0	\$100,100	\$84,877	5,141	43.9%
	\$0	\$0	\$24,331	734	6.3%
	\$0	\$25,025	\$28,342	459	3.9%
	<b>\$0</b>	<b>\$225,225</b>	<b>\$253,844</b>	—	—

CAMPAIGN SUMMARY / GENERAL ELECTION / CITY COUNCIL DISTRICT 1 <sup>72</sup>					
	OUTSTANDING LOANS	PUBLIC FUNDS	EXPENDITURES	VOTES	% VOTE
	\$0	\$100,100	\$257,643	11,905	49.9%
	\$0	\$85,608	\$235,708	8,753	36.7%
	\$0	Non-Participant	\$0	2,111	8.8%
	\$0	\$85,308	\$106,357	1,059	4.4%
	<b>\$0</b>	<b>\$271,016</b>	<b>\$599,708</b>	—	—

73 Private funds and expenditures for candidates who appeared on both a primary and general election ballot include all transactions and refunds filed between Disclosure Statement #12 through Disclosure Statement #16. Private funds and expenditures for candidates who appeared only on a general election ballot include all transactions and refunds filed through Disclosure Statement #16. Private funds include contributions, transfers, and other receipts. Vote tallies and percentages are 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 January 26, 2018.



## DISTRICT 30 | QUEENS — GLENDALE, MASPETH, MIDDLE VILLAGE, RIDGEWOOD, WOODHAVEN, WOODSIDE

In an election cycle in which the majority of the races featured an incumbent, District 30's race was the only one in which the incumbent, Democrat Elizabeth Crowley, lost to a challenger, Bob Holden.

### *Democratic Primary*

Crowley won the primary with 64 percent of the vote in a notably low-turnout Democratic contest against Holden.<sup>74</sup> Fewer than 5,700 Democratic voters cast ballots, at a turnout rate of just 8.8 percent. This number was significantly lower than the 21,000 total votes cast in the general election. As these numbers demonstrate, the general election was significantly different, with Holden getting a rematch by appearing on the Republican, Conservative, and Dump the Mayor ballot lines.

CANDIDATE	AVERAGE CONTRIBUTION SIZE (INDIVIDUAL)	PRIVATE FUNDS	
Elizabeth Crowley	\$381	\$438,753	
Robert Holden	\$126	\$43,452	
<b>ALL CANDIDATES</b>	<b>\$254</b>	<b>\$482,205</b>	

<sup>74</sup> Bill Parry, "Crowley trounces Holden in race expected to be close," *Times Ledger*, September 15, 2017, [https://www.timesledger.com/stories/2017/37/crowleyholden\\_2017\\_09\\_15\\_q.html?utm\\_source=20170913&utm\\_medium=email&utm\\_content=Six+Queens+council+members+win+primaries+as+Monserate+defeated&utm\\_campaign=newsletter](https://www.timesledger.com/stories/2017/37/crowleyholden_2017_09_15_q.html?utm_source=20170913&utm_medium=email&utm_content=Six+Queens+council+members+win+primaries+as+Monserate+defeated&utm_campaign=newsletter).

<sup>75</sup> Private funds and expenditures for candidates who appeared on both a primary and general election ballot include all transactions and refunds filed through Disclosure Statement #11. Private funds and expenditures for candidates who appeared only on a primary ballot include all transactions and refunds filed through Disclosure Statement #16. Private funds include contributions, transfers, and other receipts. Vote tallies and percentages are 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 January 26, 2018.

## General Election

Going into the general election, Crowley appeared to have a significant lead over Holden, having benefitted from the advantages of being a two-term incumbent and raising nearly nine times more in campaign funds than her sole competitor. Furthermore, Crowley, a member of a powerful Queens political family, had received a rare endorsement from Governor Andrew Cuomo. After initially opting in to the matching funds program, Crowley, given her fundraising success, opted out and rescinded her certification before the July 17th deadline.<sup>76</sup> 2017 was the first election cycle in which withdrawal after the June 10th certification deadline was an option.

CAMPAIGN SUMMARY / DEMOCRATIC PRIMARY / CITY COUNCIL DISTRICT 30 <sup>75</sup>					
	OUTSTANDING LOANS	PUBLIC FUNDS	EXPENDITURES	VOTES	% VOTE
	\$0	Non-Participant	\$169,276	3,621	63.7%
	\$0	\$100,100	\$45,137	2,050	36.0%
	<b>\$0</b>	<b>\$100,100</b>	<b>\$214,413</b>	<b>5,687</b>	—

<sup>76</sup> Local Law 193 of 2016 permitted candidates to rescind their certification of participation in the matching funds program until the ninth Monday preceding a primary election or the fourteenth day after the proclamation of a special election, provided they have not already received public funds. See New York, N.Y. Local Law No. 193 (December 22, 2016).

Holden, however, received the full benefits of the matching funds program: two full payments of \$100,100, one each for the primary and general elections. These public funds helped Holden significantly narrow the financing gap between his campaign and Crowley's by the end of the race. Despite raising nearly nine times more than Holden, Crowley's combined spending for the primary and general election was just slightly more than double what Holden reported.

CANDIDATE	AVERAGE CONTRIBUTION SIZE (INDIVIDUAL)	PRIVATE FUNDS	
Elizabeth Crowley	\$256	\$84,489	
Robert Holden	\$109	\$16,425	
<b>ALL CANDIDATES</b>	<b>\$183</b>	<b>\$100,914</b>	

Several factors — anger over the city housing homeless New Yorkers in neighborhood hotels, fear that the eventual closing of Rikers Island would result in a local jail coming to Queens, and general discontent with Mayor de Blasio’s policies — worked against Crowley, who had maintained a close relationship with the mayor.<sup>77</sup> As mentioned above, the broader electorate in the general election allowed Holden to appeal to more voters. Ultimately, Holden managed to win the election by just 137 votes — the narrowest margin of victory in the entire general election.<sup>78</sup>

CAMPAIGN SUMMARY / GENERAL ELECTION / CITY COUNCIL DISTRICT 30 <sup>79</sup>					
	OUTSTANDING LOANS	PUBLIC FUNDS	EXPENDITURES	VOTES	% VOTE
	\$0	Non-Participant	\$352,073	10,426	49.6%
	\$0	\$100,100	\$214,759	10,563	50.2%
	<b>\$0</b>	<b>\$100,100</b>	<b>\$566,832</b>	<b>21,023</b>	—

<sup>77</sup> J. David Goodman, “As Democrats Celebrate Wins, Queens Republicans Close In on an Upset,” *The New York Times*, November 10, 2017, <https://www.nytimes.com/2017/11/10/nyregion/city-council-nyc-election-crowley-holden.html>.

<sup>78</sup> Frank G. Runyeon, “How Holden beat Crowley—and why he’s not loyal to either party,” *City & State*, November 16, 2017, <https://cityandstateny.com/articles/politics/campaigns-and-elections/how-holden-beat-crowley-and-why-he-is-not-loyal-to-republicans-or-democrats.html>.

<sup>79</sup> Private funds and expenditures for candidates who appeared on both a primary and general election ballot include all transactions and refunds filed between Disclosure Statement #12 through Disclosure Statement #16. Private funds and expenditures for candidates who appeared only on a general election ballot include all transactions and refunds filed through Disclosure Statement #16. Private funds include contributions, transfers, and other receipts. Vote tallies and percentages are 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 January 26, 2018.



# THE PROGRAM AT WORK

With term limits impacting nearly all sitting elected officials, the landscape of the 2017 election was dramatically different than 2013, when all of the citywide offices, all borough president offices, and 20 City Council seats were open. In 2017, 129 candidates appeared on the primary election ballot for the five covered offices. Incumbents sought a second term for mayor, public advocate, comptroller, and for each of the five borough president offices. 41 incumbent Council members ran for re-election, leaving only 10 open Council seats.

Traditionally, incumbents can attract more and larger contributions than challengers, and often find it easier to draw institutional supporters. Races featuring an incumbent also tend to attract fewer candidates than open-seat races.<sup>1</sup> Due to the high volume of incumbents running for re-election across all five offices this cycle, fewer candidates overall ran for office in 2017 than in cycles with a larger volume of open seats.

This section provides a broader view of how the matching funds program and candidate fundraising shaped the 2017 election cycle.

## PROGRAM PARTICIPATION

While participation in the city's matching funds program remained high, there was a dip in the participation rate to 84 percent in the 2017 primary. There were some districts in which participating incumbents did not face a serious, well-funded challenger, and therefore declined public funds.<sup>2</sup>

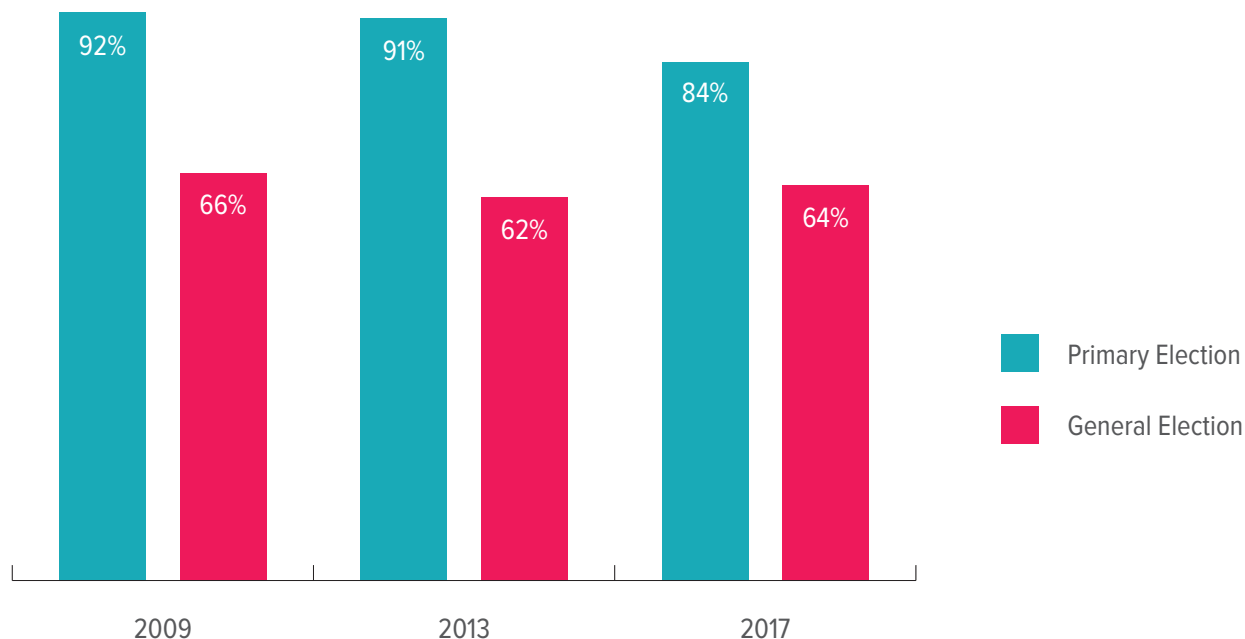
In 2017, Program participation fell below 90 percent in the primary election for the first time since the matching formula was increased to the 6:1 rate in 2009. Of 129 candidates on the ballot across all five offices, 20 opted not to join the Program. The last time that Program participation dipped below 90 percent in the primary election was in the 2005 election cycle (87 percent), which had a similar number of incumbents on the ballot. In the general election, 64 percent of candidates on the ballot participated in the matching funds program, which is similar to the rate of participation in the 2009 and 2013 general elections.

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1 The average number of candidates in an open seat primary in 2017 was 5.2. The average number of candidates in a primary with an incumbent in 2017 was 2.0 including the incumbent candidate. This includes the Democratic primary to compete against Republican incumbent Eric Ulrich in the general election.

2 Incumbent Comptroller Scott Stringer and incumbent Borough President Ruben Diaz Jr. did not accept public funds during the 2017 election cycle. Additionally, nine participating incumbent Council members did not accept public funds in 2017.

## PARTICIPATION STATUS BY ELECTION CYCLE, ALL OFFICES<sup>3</sup>



In 2017, participants were re-elected to represent all three citywide offices and four of the five borough president offices.<sup>4</sup> At the City Council level, 36 out of 51 seats were filled by participating candidates. This was a decrease from 2013, when 46 participants were elected to the Council.

Due to term limit laws, incumbent Council members elected in 2009 or 2013 seeking re-election were running for their final terms in 2017.<sup>5</sup> Incumbents opted out of the Program in higher numbers in 2017; 14 out of 41 incumbents (34 percent) opted out of the Program, and 40 incumbents won re-election. In 2013, by comparison, 6 out of 31 incumbents (19 percent) opted out of the program, and 30 incumbents won re-election.<sup>6</sup>

<sup>3</sup> Includes only candidates who appeared on the ballot in either the primary or general election. Excludes terminated candidates.

<sup>4</sup> Eric Adams was re-elected as Brooklyn Borough President, but he was not a Program participant in 2017.

<sup>5</sup> For more information on term limits, see N.Y.C. Charter §§ 1138, 1152(k)(1).

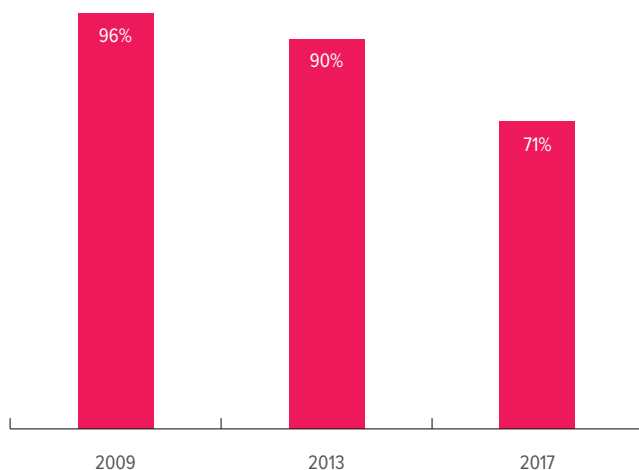
<sup>6</sup> Eleven non-incumbents won seats in 2017—one challenger defeated an incumbent, and there were 10 open seats. Of those, only two were non-participants; both (Mark Gjonaj in CD13 and Ruben Diaz Sr. in CD18), were sitting state legislators.



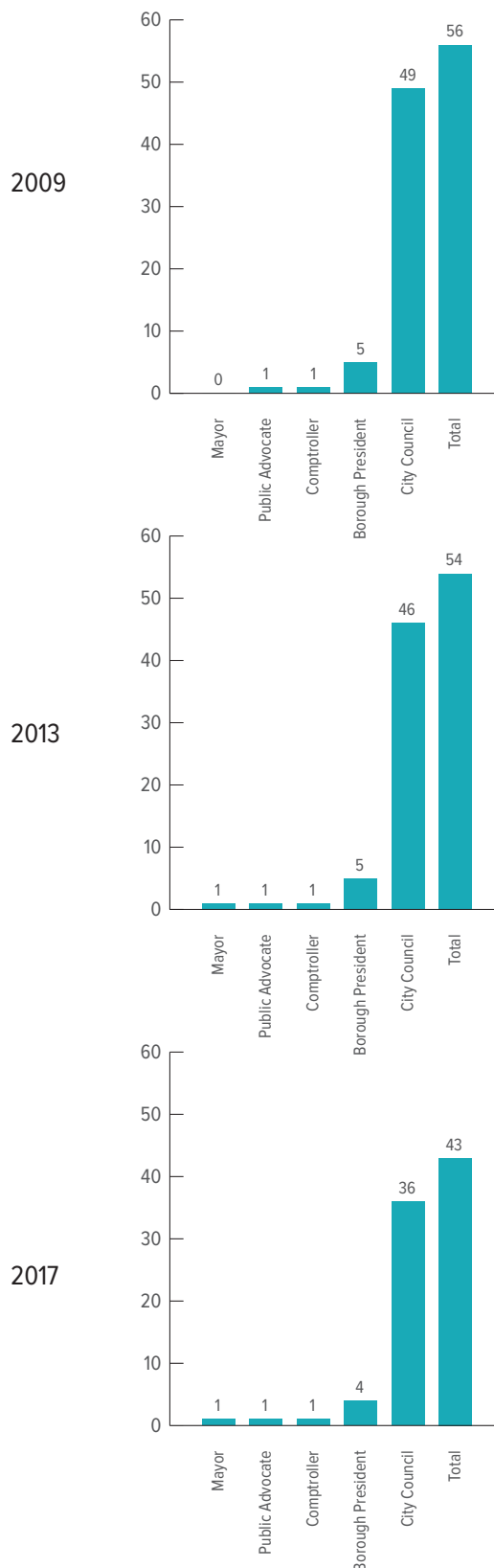
By opting out of the Program, incumbents are not subject to the spending limits that participants agree to abide by. Some incumbents may have opted out of the program in 2017 to get a head start on fundraising for higher offices in the 2021 election cycle. Local Law 189 of 2016 made this more appealing by eliminating the requirement that non-participating candidates obtain contributors' permission to transfer leftover campaign funds into a participating committee for a subsequent election.

Some incumbent Council candidates raised and spent funds associated with seeking the speakership, as Speaker Melissa Mark-Viverito prepared to vacate her seat due to term limits. Participation was also impacted by Local Law 193 of 2016, which allowed candidates who had joined the Program to rescind their participation as late as the end of July, giving them more time to assess their own and their opponents' finances before deciding whether to seek public funds. Four candidates used this provision.

## PERCENT OF CITY COUNCIL MEMBERS ELECTED AS PROGRAM PARTICIPANTS, BY ELECTION CYCLE



## PARTICIPANTS ELECTED TO OFFICE, BY ELECTION CYCLE



## SMALL-DOLLAR CONTRIBUTIONS

Small-dollar contributor participation remained strong at every level of city office in last year's elections. In 2017, nearly three-quarters of individual contributors gave \$175 or less to participating candidates. Small-dollar contribution activity was 21 percent higher for participants than for non-participants.<sup>7</sup> Additionally, contributions of \$175 or less accounted for about 13 percent of the total amount of individual contributions to participating candidates in 2017, compared to just over 7 percent for non-participants in 2017.

Overall, small-dollar contributors played a larger role in the 2017 election cycle than in 2013, with 11 percent more individual contributions coming from small-dollar donors. Additionally, individual contributions of \$175 or less accounted for about 13 percent of the total amount of individual contributions to participating candidates in 2017, a 6 percent increase from the 2013 rate.

Consistent with the last few election cycles, City Council candidates relied more heavily on small-dollar contributors than candidates for citywide office. In 2017, 79 percent of individual contributors gave \$175 or less to participating City Council candidates. These numbers follow the same pattern from 2013 and 2009.

Small-dollar contributors made up a greater percentage of overall contributors for citywide candidates in 2017 and 2009 respectively than in 2013, when every citywide seat was open. This may suggest that candidates in competitive open seat races are more likely to pursue large contributions.

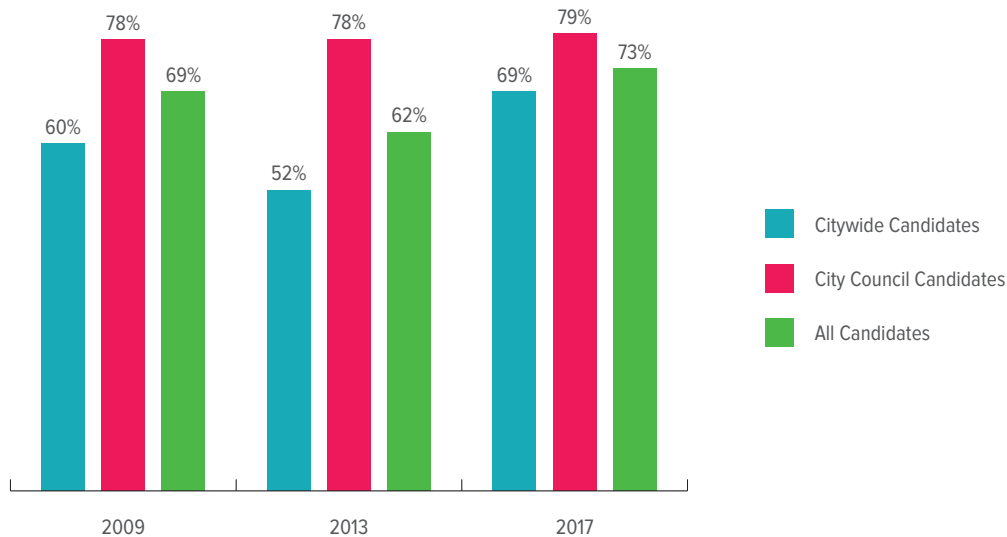
This trend is most evident in mayoral contests. In 2009 and 2017, individual contributors who gave \$175 or less to participating mayoral candidates accounted for 70 and 73 percent of total contributors, respectively. In 2013, small dollar contributors made up just 48 percent of all individual contributors to mayoral candidates. This implies that candidates in the wide-open 2013 mayoral race placed a much greater emphasis on seeking large contributions than candidates in years when an incumbent mayor ran for re-election.

Small-dollar  
contribution  
activity was  
**21 percent  
higher for  
participants  
than for non-  
participants.**

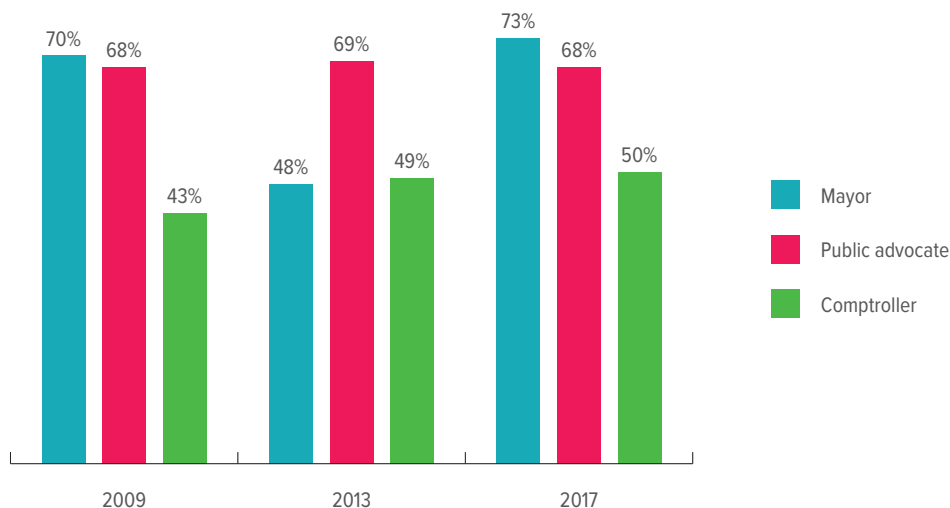
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<sup>7</sup> Among non-terminated candidates for all offices in 2017. Individual contributions are classified as family, individual, or spousal contributions; candidates' contributions to their own campaigns are excluded.

## CONTRIBUTORS GIVING \$175 OR LESS AS PERCENTAGE OF ALL INDIVIDUAL CONTRIBUTORS (#), PARTICIPATING CANDIDATES <sup>8</sup>



## CONTRIBUTORS GIVING \$175 OR LESS AS PERCENTAGE OF ALL INDIVIDUAL CONTRIBUTORS (#), CITYWIDE CANDIDATES <sup>9</sup>

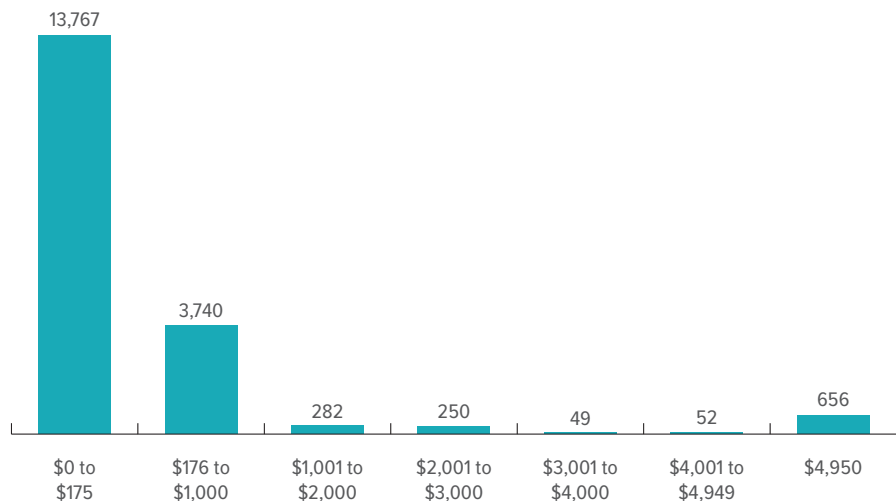


<sup>8</sup> Includes all non-terminated, participating candidates by office and election cycle. Individual contributions are classified as family, individual, or spousal contributions. Aggregate key function is used to pool contributors that gave multiple times by election cycle. Does not include net negative or net zero contributions.

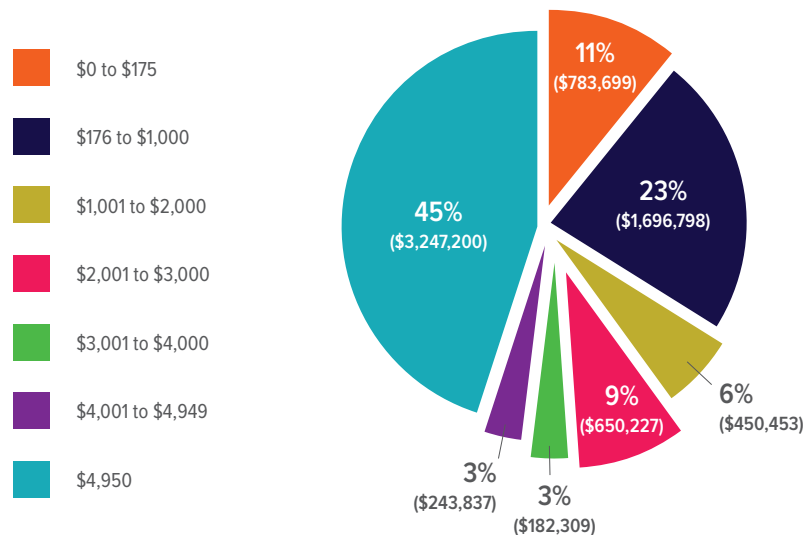
<sup>9</sup> Includes all non-terminated, participating candidates by office and election cycle. Individual contributions are classified as family, individual, or spousal contributions. Aggregate key function is used to pool contributors that gave multiple times by election cycle. Does not include net negative or net zero contributions.

While contributions at the maximum of \$4,950 only made up 4 percent of total individual contributions to mayoral candidates in 2017, these contributions accounted for about 45 percent of the total amount of individual contributions to participating mayoral candidates.

**DISTRIBUTION OF INDIVIDUAL CONTRIBUTIONS (#) TO PARTICIPATING MAYORAL CANDIDATES, 2017 ELECTION CYCLE<sup>10</sup>**



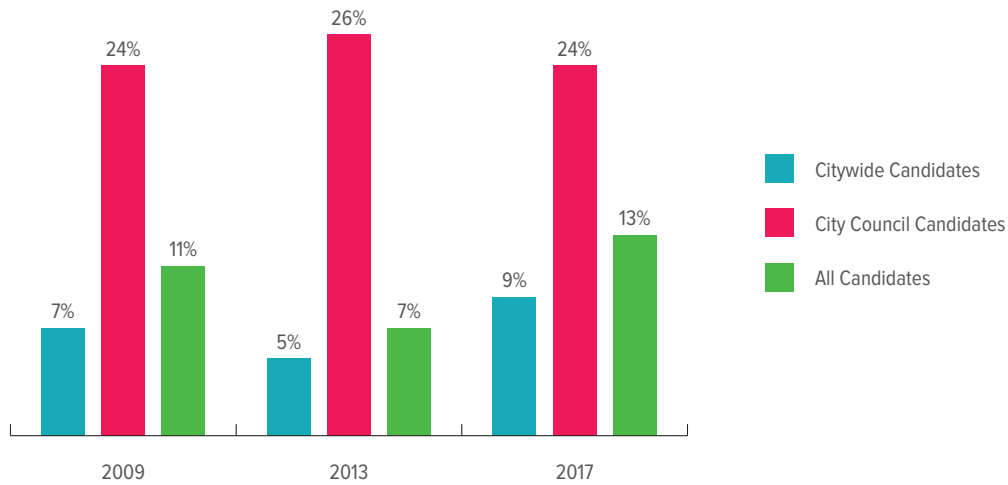
**DISTRIBUTION OF INDIVIDUAL CONTRIBUTIONS (\$) TO PARTICIPATING MAYORAL CANDIDATES, 2017 ELECTION CYCLE<sup>11</sup>**



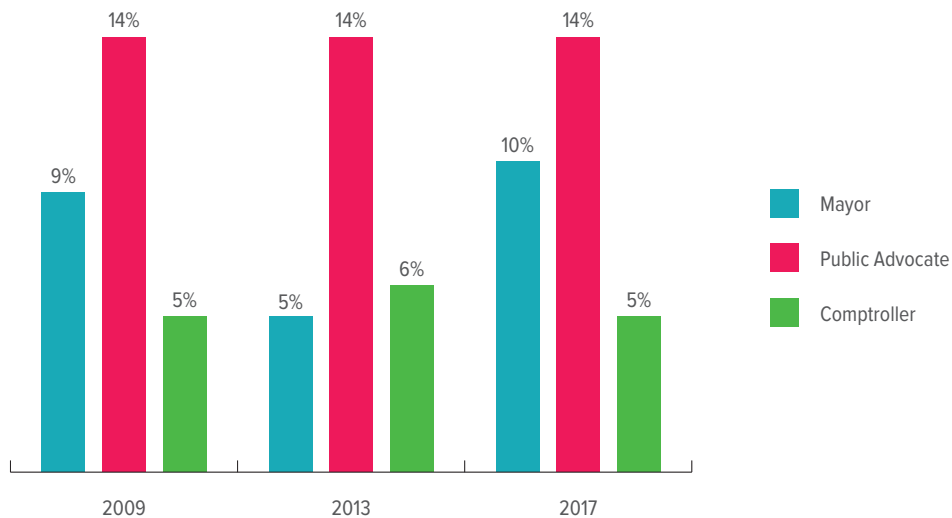
<sup>10</sup> Includes all non-terminated, participating mayoral candidates. Individual contributions are classified as family, individual, or spousal contributions. Does not include net negative contributions, net zero contributions, or contributions over the contribution limit for the office. Over the limit contributions and net negative contributions were due to aggregate key errors in the data set.

<sup>11</sup> Includes all non-terminated, participating mayoral candidates. Individual contributions are classified as family, individual, or spousal contributions. Does not include net negative contributions, net zero contributions, or contributions over the contribution limit for the office. Over the limit contributions and net negative contributions were due to aggregate key errors in the data set.

## CONTRIBUTIONS OF \$175 OR LESS AS PERCENTAGE OF TOTAL NET CONTRIBUTIONS (\$) FROM INDIVIDUALS, PARTICIPATING CANDIDATES<sup>12</sup>



## CONTRIBUTIONS OF \$175 OR LESS AS PERCENTAGE OF TOTAL NET CONTRIBUTIONS (\$) FROM INDIVIDUALS, PARTICIPATING CITYWIDE CANDIDATES<sup>13</sup>

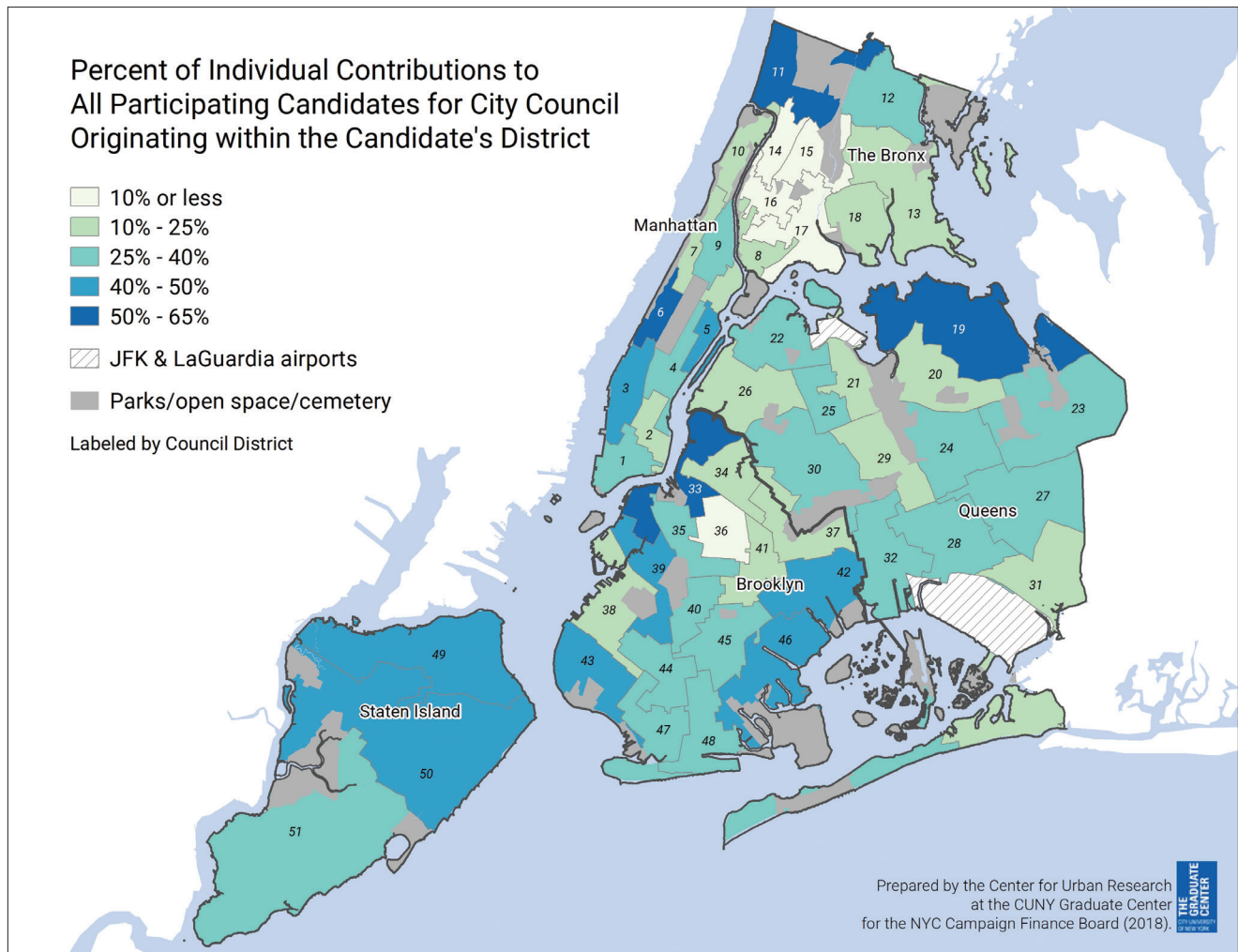


<sup>12</sup> Includes all non-terminated, participating candidates by office. Individual contributions are classified as family, individual, or spousal contributions. Aggregate key function is used to pool contributors that gave multiple times. Does not include net negative or net zero contributions.

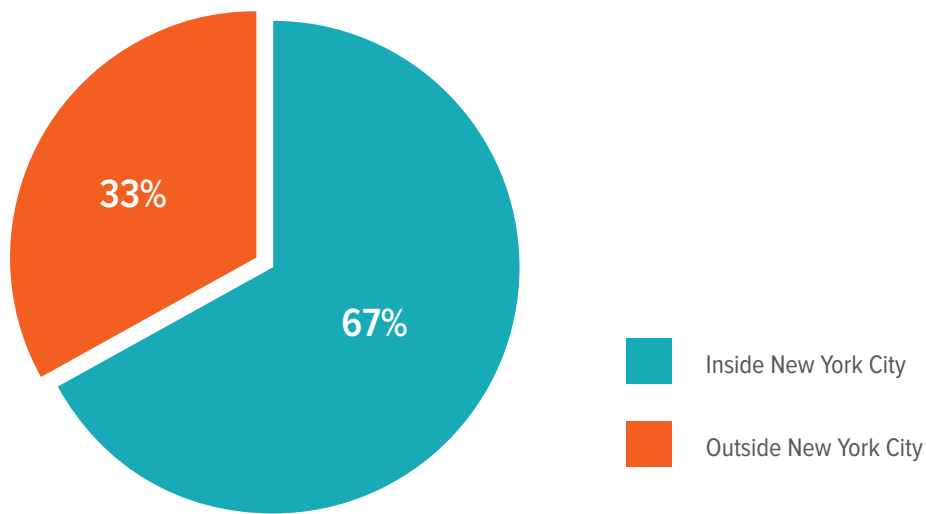
<sup>13</sup> Includes all non-terminated, participating candidates by office by election cycle. Individual contributions are classified as family, individual, or spousal contributions. Aggregate key function is used to pool contributors that gave multiple times by election cycle. Does not include net negative or net zero contributions.

## CONTRIBUTIONS FROM AROUND THE CITY

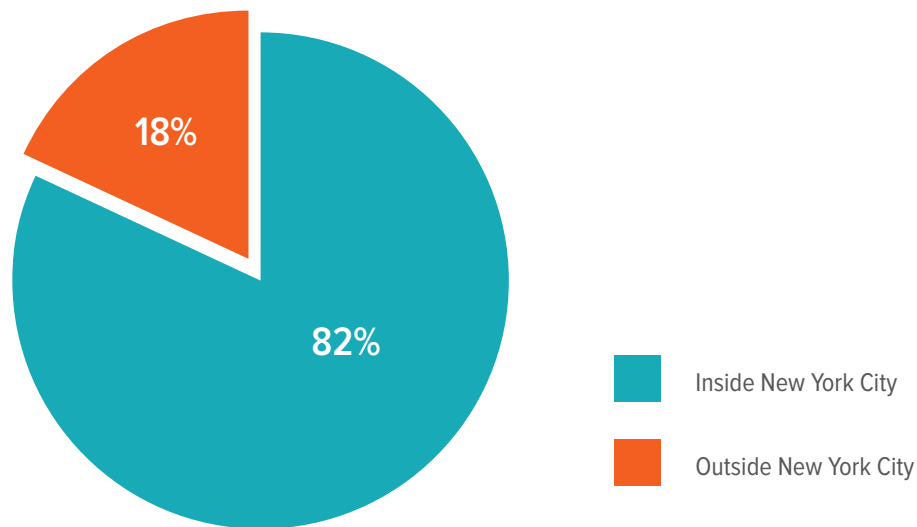
Participating City Council candidates are required to meet a two-part threshold to qualify for matching funds. Candidates must raise a minimum of \$5,000 in contributions of \$10 or more and collect at least 75 in-district contributions. As a result, participating City Council candidates have an incentive to target donors in their home districts.



**PROPORTION OF TOTAL CONTRIBUTIONS (\$) FROM NEW YORK CITY RESIDENTS,  
PARTICIPATING CITYWIDE CANDIDATES<sup>14</sup>**



**PROPORTION OF TOTAL CONTRIBUTIONS (\$) FROM NEW YORK CITY RESIDENTS,  
PARTICIPATING CITY COUNCIL CANDIDATES**



<sup>14</sup> Includes all non-terminated, participating candidates by office in 2017.

**INDIVIDUAL CONTRIBUTIONS,  
TOP 10 ZIP CODES BY AMOUNT TO ALL PARTICIPATING CANDIDATES<sup>15</sup>**

ZIP CODE	CONTRIBUTIONS	NEIGHBORHOOD
10021	\$546,735	Upper East Side
10024	\$490,368	Upper West Side
10023	\$387,008	Upper West Side
11209	\$365,639	Bay Ridge
10022	\$345,822	Sutton Place
10028	\$343,939	Upper East Side
10065	\$312,667	Upper East Side
10128	\$309,668	Upper East Side
11201	\$300,957	Brooklyn Heights
10011	\$293,761	Chelsea

<sup>15</sup> Includes all non-terminated, participating candidates for all offices in 2017. Individual contributions are classified as family, individual, or spousal contributions.



The matching funds program — and its requirement for participating Council candidates to seek contributions in their district in order to qualify — helps ensure that every neighborhood plays a role in funding campaigns for city office.

However, a look at patterns across the city reveals that certain areas continue to play a larger role across elections. Of the top 10 zip codes for individual contributions, 11209, the zip code that encompasses Bay Ridge, is the only zip code that appears in the top 10 in 2017 but not in 2013. This is likely because of the highly competitive City Council race in District 43, which was the only district with both a Democratic and Republican primary in 2017.

For maps showing the distribution of contribution activity across the five boroughs by zip code for all candidates, mayoral candidates, and Council candidates who participated in the Program, please see pages 72 – 74.

INDIVIDUAL CONTRIBUTIONS TO PARTICIPATING CANDIDATES, BY OFFICE <sup>16</sup>			
OFFICE	TOTAL INDIVIDUAL CONTRIBUTIONS	AVERAGE INDIVIDUAL CONTRIBUTION SIZE	MOST FREQUENT INDIVIDUAL CONTRIBUTION
Mayor	\$7,571,950	\$407	\$10
Public Advocate	\$779,500	\$354	\$100
Comptroller	\$2,174,439	\$804	\$100
Borough President	\$2,099,437	\$504	\$100
City Council	\$6,952,616	\$193	\$100

<sup>16</sup> **Total Individual Contributions:** Includes all non-terminated, participating candidates, sum of total contributions by office code in 2017. Individual contributions are classified as family, individual, or spousal contributions.

**Average Individual Contribution Size:** Average for total contributions by office code in 2017. Aggregate key function is used to pool contributors that gave multiple times during this election cycle. Individual contributions are classified as family, individual, or spousal contributions.

**Most Frequent Individual Contribution:** Count of individual amount donated by office code in 2017. Does not pool contributors using aggregate key. Individual contributions are classified as family, individual, or spousal contributions.

INDIVIDUAL CONTRIBUTIONS TO ALL PARTICIPATING CANDIDATES, BY BOROUGH <sup>17</sup>				
BOROUGH	TOTAL CONTRIBUTIONS		NUMBER OF CONTRIBUTORS	
Manhattan	\$5,947,379	31%	15,601	26%
Brooklyn	\$3,760,124	19%	15,767	26%
Queens	\$2,352,524	12%	10,114	17%
Staten Island	\$937,315	5%	4,088	7%
Bronx	\$808,123	4%	5,013	8%
Out of City	\$5,670,385	29%	9,633	16%

Contributions from Manhattan continue to play a disproportionate role. Manhattan zip codes are eight of the top 10 zip codes. Further, contributions from Manhattan made up 31 percent of total individual contributions to participating candidates in 2017 and 26 percent of contributors, though residents of Manhattan account for only 19 percent of the city's total population. Conversely, Brooklyn and Queens made up 19 and 12 percent of total contributions respectively, though Brooklyn residents account for 30 percent and Queens residents account for 27 percent of the city's total population.

<sup>17</sup> **Total Contributions:** Includes all non-terminated, participating candidates for all offices by borough code in 2017. Individual contributions are classified as family, individual, or spousal contributions.

**Number of Contributors:** Count of contributors by borough code for 2017 cycle. Aggregate key function is used to pool contributors that gave multiple times during this election cycle.

INDIVIDUAL CONTRIBUTIONS TO PARTICIPATING CITYWIDE CANDIDATES, BY BOROUGH				
BOROUGH	TOTAL CONTRIBUTIONS		NUMBER OF CONTRIBUTORS	
Manhattan	\$3,704,588	35%	7,253	32%
Brooklyn	\$1,763,756	17%	5,365	23%
Queens	\$820,975	8%	3,234	14%
Staten Island	\$459,185	4%	2,124	9%
Bronx	\$218,136	2%	1,045	5%
Out of City	\$3,508,240	33%	3,972	17%

The influence of contributions from Manhattan was even more pronounced among citywide candidates in the 2017 elections; 35 percent of all individual contributions to participating citywide candidates came from Manhattan.

INDIVIDUAL CONTRIBUTIONS TO PARTICIPATING CITY COUNCIL CANDIDATES, BY BOROUGH				
BOROUGH	TOTAL CONTRIBUTIONS		NUMBER OF CONTRIBUTORS	
Manhattan	\$1,769,769	26%	8,715	23%
Brooklyn	\$1,902,802	28%	11,055	30%
Queens	\$1,131,092	16%	6,828	18%
Staten Island	\$364,968	5%	1,899	5%
Bronx	\$424,955	6%	3,830	10%
Out of City	\$1,311,595	19%	5,063	14%

At the City Council level, contributions were distributed more proportionally than at the citywide level. The highest volume of contributions came from Brooklyn (28 percent of all individual contributions), followed by Manhattan (26 percent of all individual contributions). Because participating Council candidates must raise in-district contributions to meet the threshold for eligibility to receive public funds, contributor activity is more evenly distributed throughout the five boroughs at the Council level.

## LEVEL OF COMPETITION

With the majority of Council members running for re-election to their final term in office in 2017, 18 incumbent Council members (35 percent) did not face a primary challenge — 10 percent higher than in 2013. This was roughly the same as the percentage of incumbents for state offices that did not face competition in the 2016 state primary elections. In the 2016 election cycle, 31 percent of Assembly incumbents and 38 percent of State Senate incumbents faced no competition in the primary.

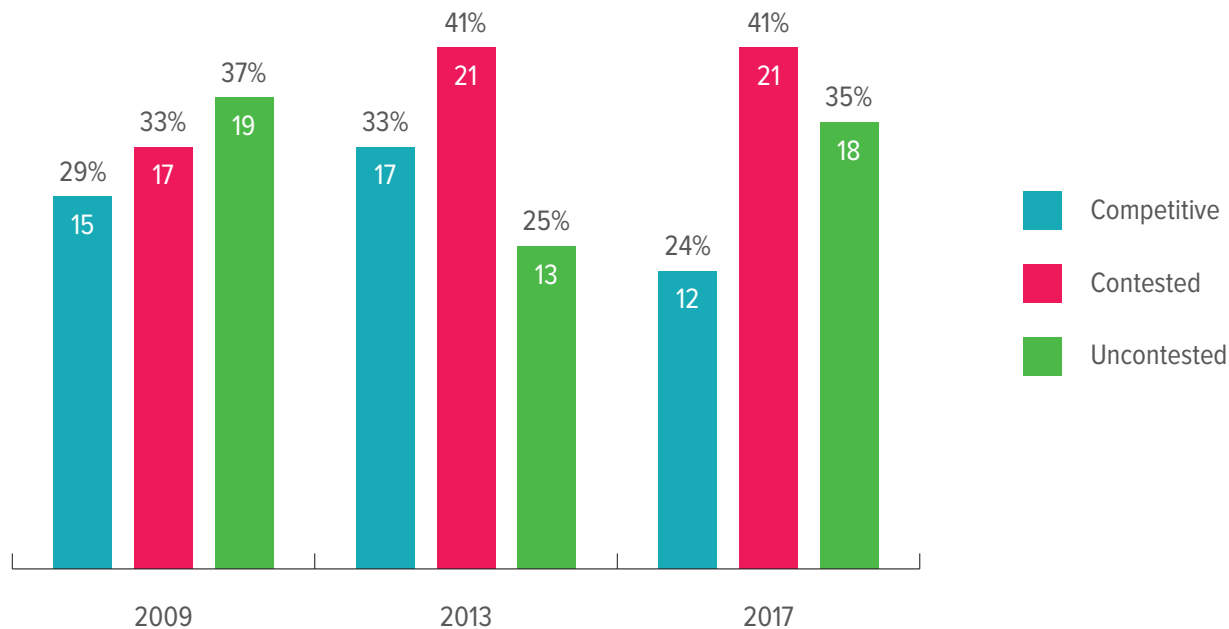
However, as noted earlier, only five of the 41 Council incumbents (12 percent) were re-elected without an opponent in either the primary or the general election, a rate that is less than half of that for state legislative offices in New York City (26 percent).

What's more, most challengers in the city elections had better funding for their campaigns than challengers for state legislative office. This is likely because the public matching funds program empowers more candidates to run competitive campaigns for elected office.

Incumbent candidates have considerable natural advantages in any race, but public funds help ensure that more incumbents face credible challengers. Part of a challenger's credibility comes from the ability to fundraise competitively so that they can effectively convey their message to voters. For the 2017 elections, the average amount raised by a participating challenger to a City Council incumbent was about \$31,000, in addition to an average of about \$83,000 in public funds (for a total of \$114,000). By contrast, the average amount raised by a challenger to a State Assembly incumbent for the 2016 elections was about \$20,000.

Incumbent candidates  
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## CITY COUNCIL DISTRICTS WITH CONTESTED AND COMPETITIVE PRIMARIES<sup>18</sup>



Additionally, City Council primaries were much more competitive than State Assembly or State Senate races. In 2017, 24 percent of the Democratic City Council primaries were considered competitive.<sup>19</sup> In the 2016 state elections, however, none of the Democratic primaries in the Assembly were considered competitive, and only one Senate district in New York City had a competitive primary.

In 2017, **24 percent**  
**of the Democratic**  
**City Council**  
**primaries were**  
**considered**  
**competitive.**

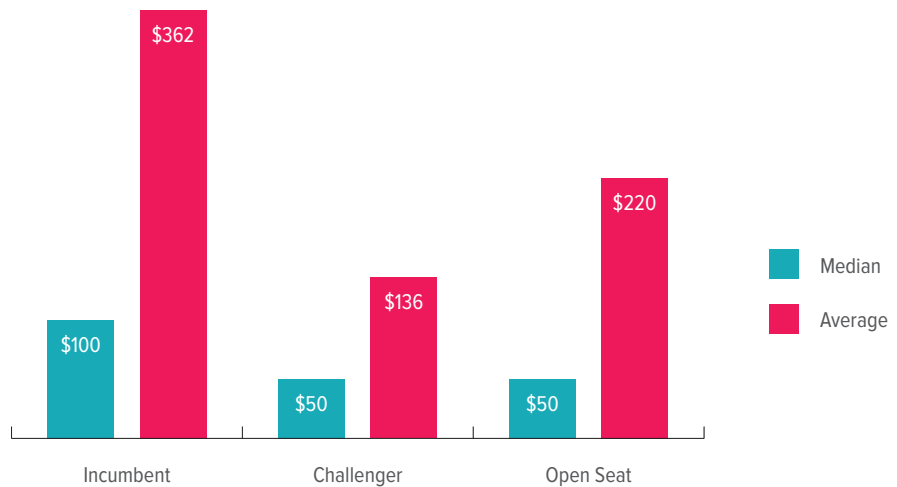
<sup>18</sup> Only Democratic City Council primaries are shown. Contested elections have at least two candidates on the ballot; competitive elections are races where the winner received less than 50 percent of the vote. Includes only candidates that appear on the ballot in a Democratic primary election. Excludes all terminated candidates.

<sup>19</sup> Competitive elections are races where the winner received less than 50 percent of the vote.

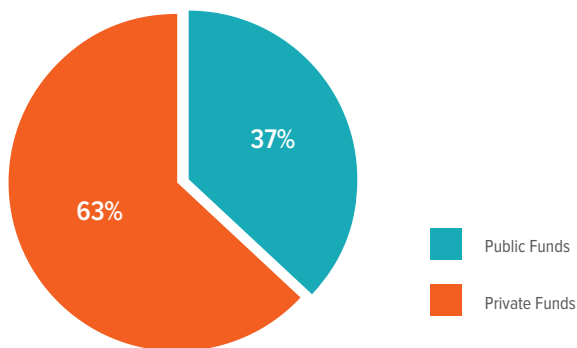
## CANDIDATE FUNDRAISING PATTERNS

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

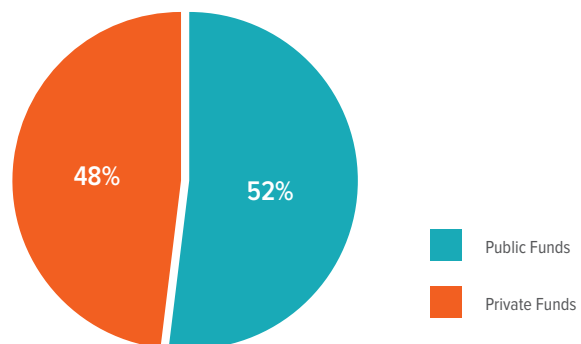
### CONTRIBUTION SIZE RECEIVED BY PARTICIPATING CITY COUNCIL CANDIDATES IN 2017<sup>20</sup>



### PUBLIC FUNDS AS A PROPORTION OF TOTAL FUNDS, 2017 CITYWIDE PARTICIPATING CANDIDATES<sup>21</sup>



### PUBLIC FUNDS AS A PROPORTION OF TOTAL FUNDS, 2017 CITY COUNCIL PARTICIPATING CANDIDATES



<sup>20</sup> **Median:** Includes all non-terminated, participating candidates for City Council in 2017. Aggregate key function is used to pool contributors that gave multiple times during this election cycle. Includes all contribution types.

**Average:** Includes all non-terminated, participating candidates for City Council in 2017. Aggregate key function is used to pool contributors that gave multiple times during this election cycle. Includes all contribution types.

<sup>21</sup> Includes all non-terminated, participating candidates by office in 2017. Total funds equals public funds (candidate payment, does not include returned funds) plus all monetary contributions for 2017 cycle.

## ORGANIZATIONAL CONTRIBUTIONS

Contributions from political committees, unions, and other organizations are typically larger than those given by individuals. Whether they represent an effort by groups to gain access or influence, or they are given to support like-minded candidates, the data also show that the overall beneficiaries of organizational support are mostly incumbents.

### SIZE OF MEDIAN CONTRIBUTION TO PARTICIPATING CANDIDATES IN 2017<sup>22</sup>



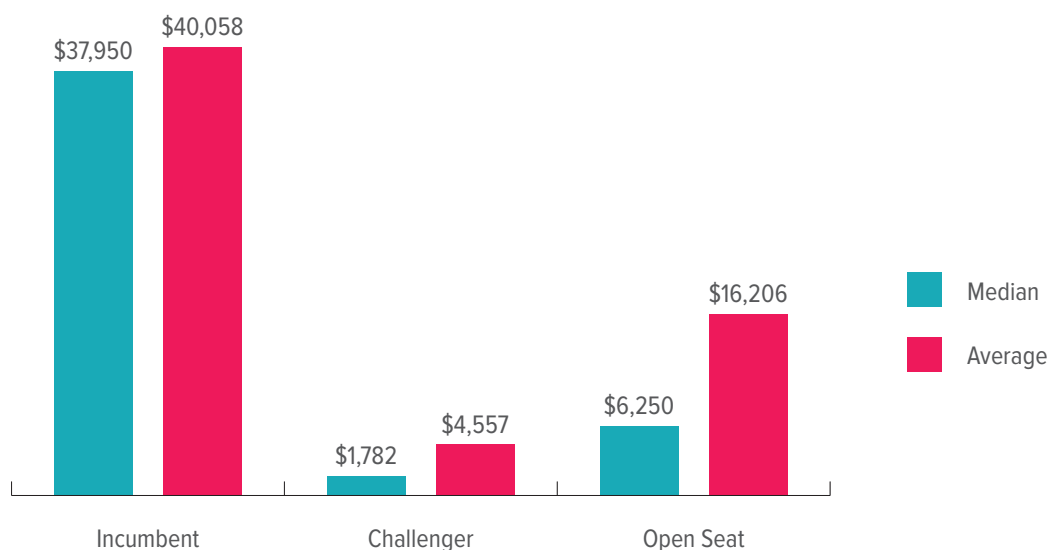
### TOTAL DOLLAR AMOUNT FOR MEDIAN CONTRIBUTION AGGREGATED BY CONTRIBUTOR, PARTICIPATING CANDIDATES IN 2017<sup>23</sup>



<sup>22</sup> Includes all non-terminated, participating candidates by office code in 2017. Does not pool contributors using aggregate key. Individual contributions are classified as family, individual, or spousal contributions. Non-individual contributions include corporate, employee organization (union/guild), LLC, organization, partner, PAC, candidate committee, and political party committee contributions. Excludes candidate contributions.

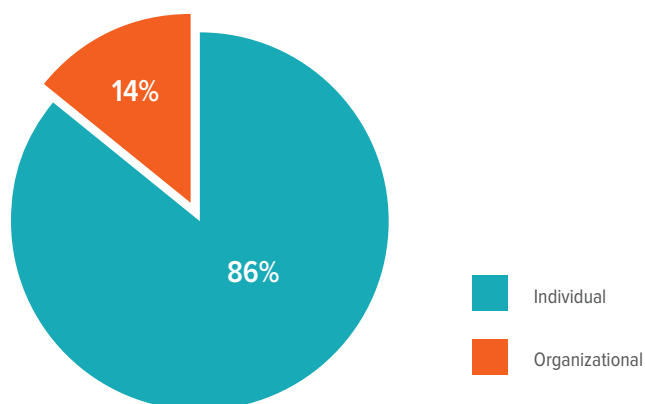
<sup>23</sup> Includes all non-terminated, participating candidates by office code in 2017. Aggregate key function is used to pool contributors that gave multiple times during this election cycle. Individual contributions are classified as family, individual, or spousal contributions. Organizational contributions include corporate, employee organization (union / guild), LLC, organization, partner, PAC, candidate committee, and political party committee contributions. Excludes candidate contributions.

## ORGANIZATIONAL CONTRIBUTIONS RECEIVED BY PARTICIPATING CITY COUNCIL CANDIDATES IN 2017<sup>24</sup>



Challengers receive many fewer organizational contributions than do incumbents or candidates in open seat races. In 2017, individuals contributed over \$19 million to participating candidates across all five offices. Organizations contributed just over \$3 million in the 2017 election cycle.

## CONTRIBUTIONS BY SOURCE FOR ALL PARTICIPATING CANDIDATES IN 2017<sup>25</sup>



<sup>24</sup> Includes all non-terminated, participating candidates by office code in 2017. Does not pool contributors using aggregate key. Individual contributions are classified as family, individual, or spousal contributions. Non-individual contributions include corporate, employee organization (union / guild), LLC, organization, partner, PAC, candidate committee, and political party committee contributions. Excludes candidate contributions.

<sup>25</sup> Includes all non-terminated, participating candidates by office code in 2017. Individual contributions are classified as family, individual, or spousal contributions. Non-individual contributions include corporate, employee organization (union / guild), LLC, organization, other, partner, PAC, candidate committee, and political party committee contributions. Excludes candidate contributions.



ORGANIZATIONAL CONTRIBUTIONS BY OFFICE (PARTICIPANTS ONLY) <sup>26</sup>		
OFFICE	ORGANIZATIONAL CONTRIBUTIONS	% OF ALL CONTRIBUTIONS
Mayor	\$468,077	5.8%
Public Advocate	\$256,300	24.2%
Comptroller	\$275,364	11.2%
Borough President	\$367,025	14.8%
City Council	\$1,813,341	20.3%

Though organizational contributions are often targeted to incumbents, they played a relatively smaller role in the mayor's race.

In 2017, **individuals contributed over \$19 million to participating candidates** across all five offices.

<sup>26</sup> Includes all non-terminated, participating candidates by office code in 2017. Organizational contributions include corporate, employee organization (union/guild), LLC, organization, partner, PAC, candidate committee, and political party committee contributions.

## TOP CONTRIBUTORS

As in previous election cycles, the largest single contributors to candidates were largely labor unions, and political committees connected to unions. Data was aggregated at the contributor level for all contributions made during the 2017 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) <sup>27</sup>		
CONTRIBUTOR	AMOUNT	2013 TOP 10
1199 SEIU	\$105,150	X
United Federation of Teachers	\$99,100	X
Mason Tenders District Council	\$97,875	
New York State Laborers	\$95,125	
New York Hotel Trades Council	\$81,200	
Council of School Supervisors and Administrators	\$73,400	X
Local 32BJ SEIU	\$71,700	X
Local 6 COPE	\$71,000	X
Doctors Council SEIU COPE	\$70,525	X
District Council of Carpenters	\$62,350	

<sup>27</sup> Includes all non-terminated, participating candidates for all offices in 2017.

## TOP 10 CONTRIBUTORS TO CITY COUNCIL CANDIDATES (PARTICIPANTS ONLY)<sup>28</sup>

CONTRIBUTOR	AMOUNT	2013 TOP 10
1199 SEIU	\$78,750	X
Mason Tenders District Council	\$75,625	
United Federation of Teachers	\$74,400	X
New York State Laborers	\$72,575	X
New York Hotel Trades Council	\$61,500	
Local 6 COPE	\$55,250	X
District Council of Carpenters	\$52,000	
Local 32BJ SEIU	\$51,500	X
Council of School Supervisors and Administrators	\$50,350	X
Doctors Council SEIU COPE	\$49,075	X

## 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. These limits are meant to reduce contributors’ actual or perceived influence over a candidate, but bundling contributions can be perceived as a way to skirt those limits. The Campaign Finance Act requires candidates to disclose the identity of all intermediaries known to the campaign along with every bundled contribution.<sup>29</sup>

<sup>28</sup> Includes all non-terminated, participating candidates for City Council in 2017.

<sup>29</sup> See N.Y.C. Admin. Code § 3-703(6)(a).

Contributions raised by intermediaries are generally larger than non-bundled contributions. The average intermediated contribution size for 2017 candidates was \$693, while the average contribution size with no intermediary was \$375. Among intermediated contributions to citywide candidates, 8.1 percent were maximum contributions of \$4,950. Among contributions to citywide candidates with no intermediary, 2.6 percent were at the maximum.

TOP 10 LARGEST INTERMEDIARIES <sup>30</sup>		
BUNDLER	CANDIDATES BUNDLED FOR	TOTAL CONTRIBUTIONS BUNDLED
Andrew Crisses	Stringer	\$95,950
Arana Hankin	de Blasio	\$68,750
James Capalino	de Blasio, Stringer	\$61,740
Suri Kasirer	de Blasio	\$56,030
Aby Rosen	Stringer	\$43,800
Sol Arker	de Blasio, Katz	\$34,000
Andrew Rigie	Stringer, Espinal Jr., Cumbo, Rivera	\$33,850
David Greenfield	Yeger, Koslowitz	\$30,470
Eugene Schneur	de Blasio	\$30,100
Chris Taylor	de Blasio	\$29,700

<sup>30</sup> Includes all non-terminated candidates in 2017.

## TOP 10 LARGEST INTERMEDIARIES, CITYWIDE CANDIDATES <sup>31</sup>

BUNDLER	CANDIDATES BUNDLED FOR	TOTAL CONTRIBUTIONS BUNDLED
Andrew Crisses	Stringer	\$95,950
Arana Hankin	de Blasio	\$68,750
James Capalino	de Blasio, Stringer	\$61,740
Suri Kasirer	de Blasio	\$56,030
Aby Rosen	Stringer	\$43,800
Eugene Schneur	de Blasio	\$30,100
Chris Taylor	de Blasio	\$29,700
Sid Davidoff	de Blasio, Stringer	\$27,500
Kenneth Fisher	de Blasio	\$27,250
Elizabeth Peek	Malliotakis	\$25,225

<sup>31</sup> Includes all non-terminated candidates in 2017.

## TOP 10 LARGEST INTERMEDIARIES, CITY COUNCIL CANDIDATES <sup>32</sup>

BUNDLER	CANDIDATES BUNDLED FOR	TOTAL CONTRIBUTIONS BUNDLED
David Greenfield	Yeger, Koslowitz	\$30,470
Joel Schnur	Dromm, Williams, Koslowitz	\$23,750
Ethan Geto	Johnson	\$22,150
Jordan Roth	Johnson	\$15,750
Corey Johnson	Rivera	\$15,625
Jay Kriegel	Lander, Johnson, Van Bramer	\$14,500
Michele de Milly	Rivera, Johnson	\$14,350
Meredith R. Burak	Levine	\$14,225
Jonathan Mallow	Johnson	\$13,500
Roderick Wong	Speranza	\$12,850

<sup>32</sup> Includes all non-terminated candidates in 2017.

## TOP 10 CANDIDATES BY MOST INTERMEDIATED FUNDS RECEIVED <sup>33</sup>

CANDIDATE	OFFICE	TOTAL BUNDLED CONTRIBUTIONS
Scott Stringer	Comptroller	\$711,505
Bill de Blasio	Mayor	\$535,076
Ruben Diaz Jr.	Bronx Borough President	\$133,353
Melinda Katz	Queens Borough President	\$104,836
Corey Johnson	City Council	\$100,425
Letitia James	Public Advocate	\$84,100
Nicole Malliotakis	Mayor	\$70,356
Mark Levine	City Council	\$63,685
Eric Adams	Brooklyn Borough President	\$27,375
Kalman Yeger	City Council	\$24,851

<sup>33</sup> Includes all non-terminated candidates in 2017.

## TOP VENDORS

Data was aggregated at the vendor level for all expenditures made during the 2017 election cycle. In 2017, nine out of the top 10 vendors to participating candidates were political consulting firms. Only expenditures from participants were counted.

TOP 10 VENDORS TO ALL CANDIDATES (PARTICIPANTS ONLY) <sup>34</sup>		
VENDOR	AMOUNT	2013 TOP 10
AKPD	\$5,465,208	X
Red Horse Strategies	\$2,454,882	X
Brabender Cox	\$2,205,215	
BerlinRosen	\$895,812	X
Hamilton Campaign Network	\$826,457	
Revolution Messaging	\$737,456	
Mercury Public Affairs	\$696,458	
Global Strategy Group	\$617,991	
NYPrints	\$361,818	
Hilltop Public Solutions	\$336,488	

<sup>34</sup> Includes all non-terminated, participating candidates for all offices in 2017. Vendors include those coded as corporate, LLC, and other. Does not include candidate contributions.



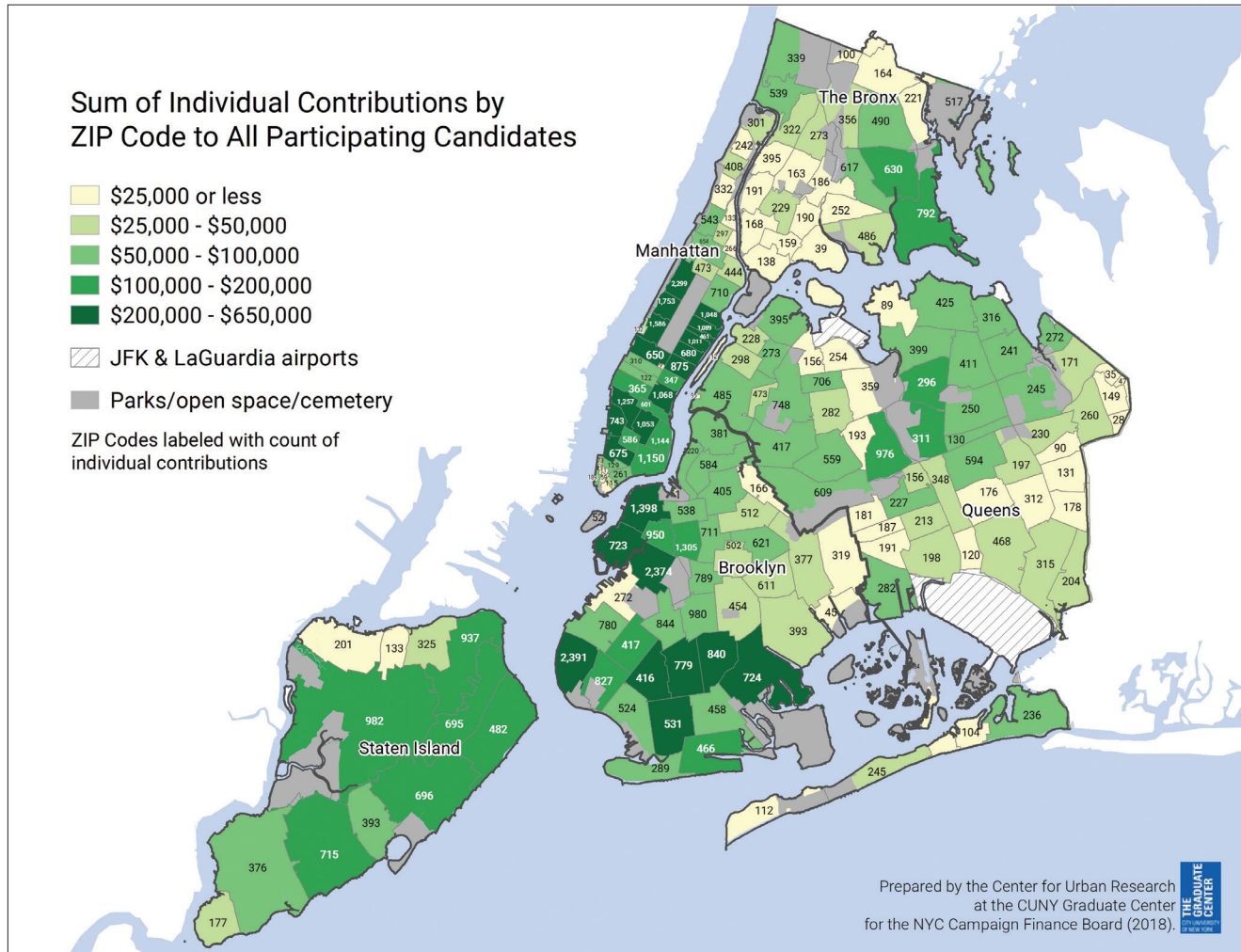
## TOP 10 VENDORS TO CITY COUNCIL CANDIDATES (PARTICIPANTS ONLY)<sup>35</sup>

VENDOR	AMOUNT	2013 TOP 10
Red Horse Strategies	\$1,550,241	X
BerlinRosen	\$681,232	X
Mercury Public Affairs	\$672,958	X
NorthShore Strategies	\$359,867	
The Parkside Group	\$301,367	
Brown Miller Group	\$280,097	X
The Advance Group	\$257,233	X
NYPrints	\$236,773	
Power Play Strategies	\$218,572	
IDA Productions	\$176,631	

<sup>35</sup> Includes all non-terminated, participating candidates for City Council in 2017. Vendors include those coded as corporate, LLC, and other. Does not include candidate contributions.

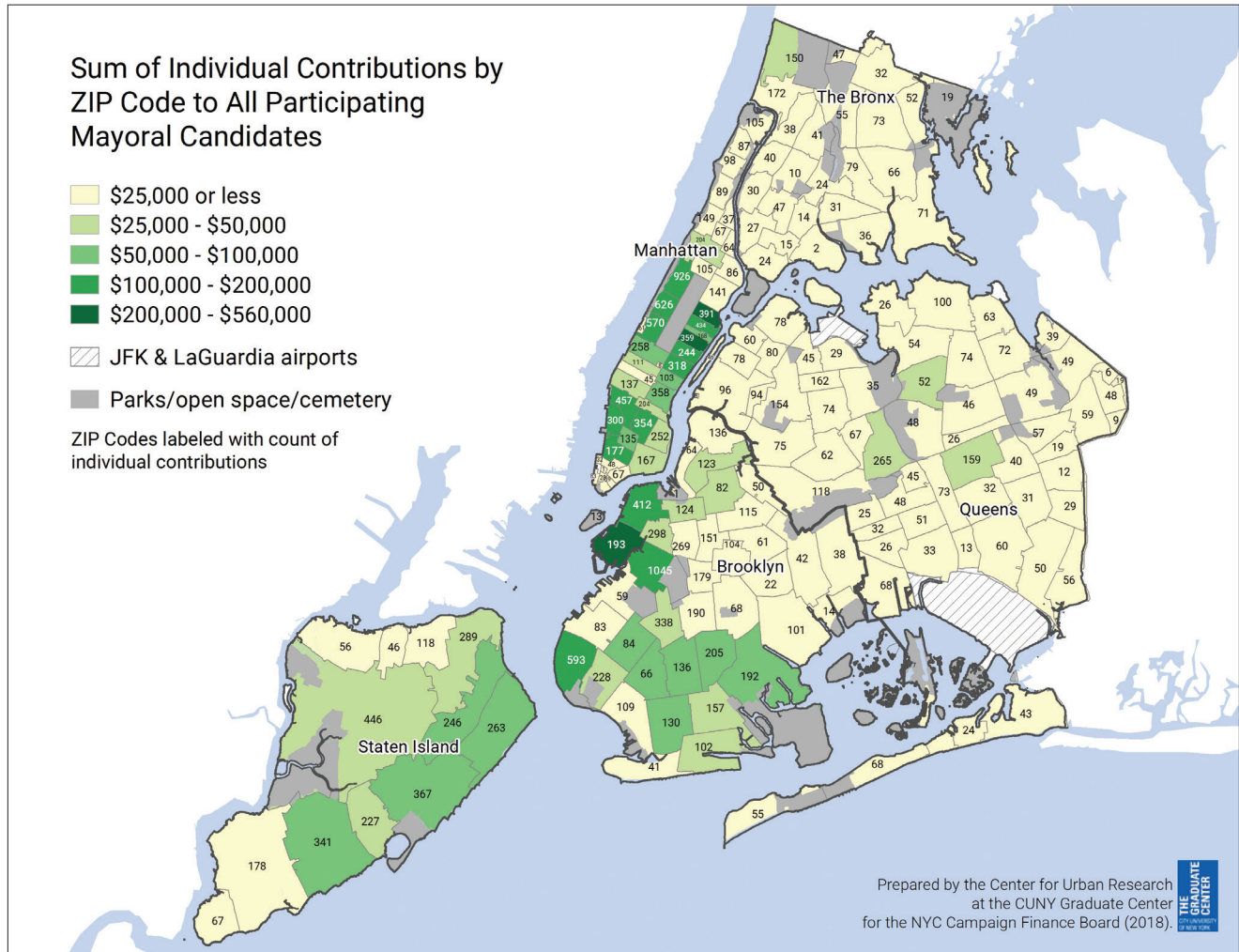
## CONTRIBUTION MAPS — ALL PARTICIPATING CANDIDATES

Contribution activity in the 2017 election was spread across the city, with more activity in parts of Manhattan and Brooklyn.



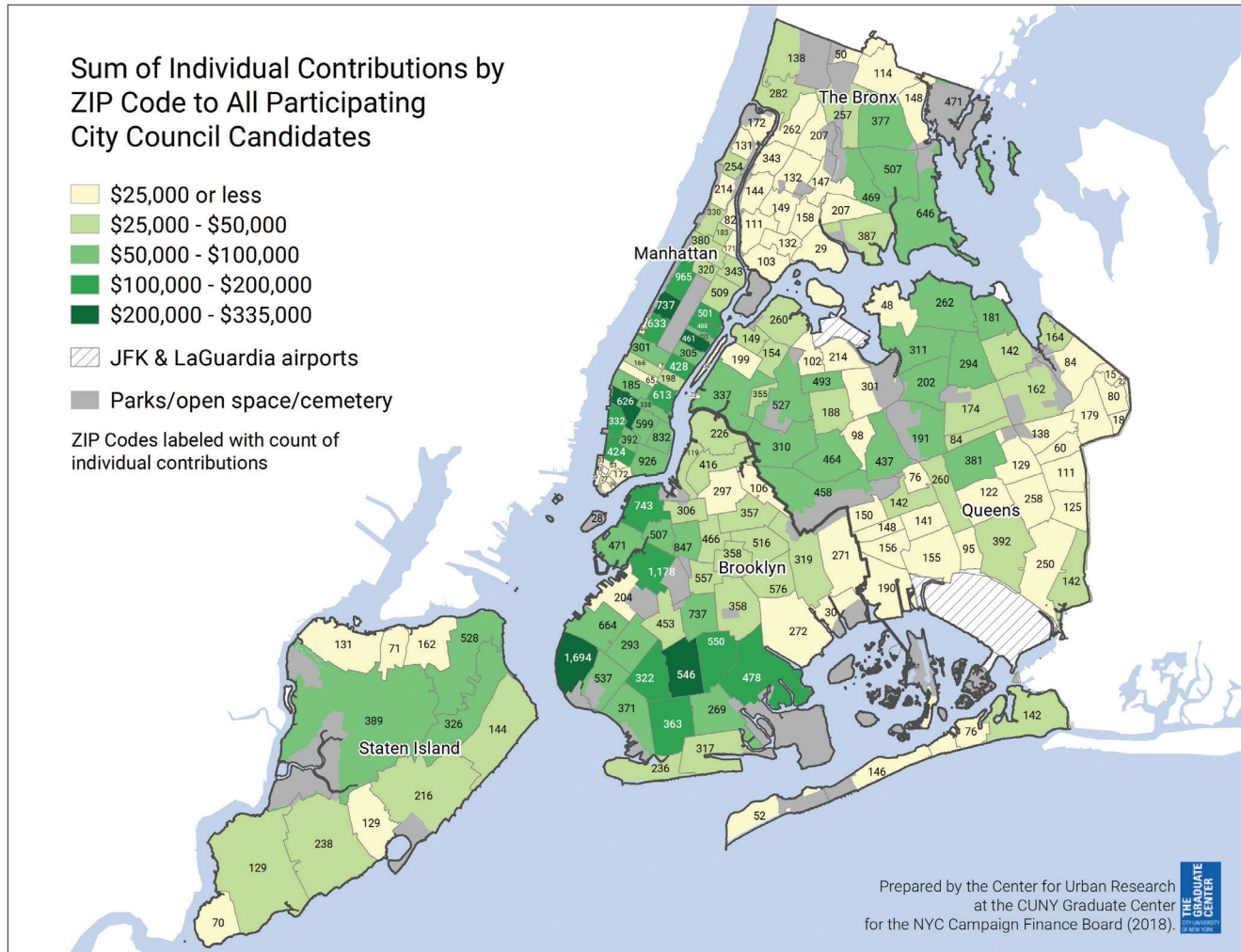
## CONTRIBUTION MAPS — PARTICIPATING MAYORAL CANDIDATES

In the 2017 mayor's race, the same dynamic was more pronounced, with contributor activity largely focused in Manhattan and Brooklyn.



## CONTRIBUTION MAPS — PARTICIPATING COUNCIL CANDIDATES

With the Program requirements ensuring that Council candidates raise funds in the neighborhoods they represent, contributor activity was more evenly spread in Council races in the 2017 elections.



The maps in this report were prepared by the Center for Urban Research at the CUNY Graduate Center. For an interactive set of maps representing contributor activity in the 2017 elections, please visit [maps.nycctfb.info](https://maps.nycctfb.info).

# DOING BUSINESS CONTRIBUTIONS

The 2017 election cycle marked the third cycle for which New York City’s doing business law was in effect. Although doing business activity was affected by the differences in the volume and character of campaigns in 2017 as compared to 2013, the law, which aims to reduce the reality or appearance of “pay-to-play” contributions, continued to make an impact throughout the city. The law limits the contributions that people doing business with city government can make to campaigns. This includes registered lobbyists as well as the owners, principal officers, and senior managers of entities that do business with the city.<sup>1</sup>

The law provides robust protections against pay-to-play violations, covering a wide variety of transactions, including pension fund investment contracts, economic development agreements, land use actions, real property transactions, and procurement contracts.

## ANALYSIS

Before the doing business law was enacted during the 2009 election cycle, individuals with a business relationship to the city of New York were significantly overrepresented among campaign contributors. Although individuals who do business with the city have consistently made up a very small proportion of total contributors, these individuals used to contribute at least a quarter of all funds raised. Since the passage of the law, they now contribute less than 3 percent of all funds.<sup>2</sup>

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1 See New York, N.Y. Local Law No. 34 (July 3, 2007) (amended by Local Law No. 67 of 2007).

2 CFB report, *Interim Report of the New York City Campaign Finance Board on “Doing Business” Contributions*, June 2006, p.12, [https://www.nyccfb.info/PDF/issue\\_reports/Doing-Business-White-Paper.pdf](https://www.nyccfb.info/PDF/issue_reports/Doing-Business-White-Paper.pdf).

## VOLUME OF DOING BUSINESS CONTRIBUTIONS IN NYC ELECTIONS, 2001–2017

	2001	2005	2009	2013	2017
VALUE OF “DOING BUSINESS” CONTRIBUTIONS	\$11,931,017*	\$8,626,611*	\$2,593,159 <sup>†</sup>	\$1,325,805	\$854,503
% OF TOTAL VALUE OF CONTRIBUTIONS	25.2%*	21.5%*	5.9% <sup>‡</sup>	2.0% <sup>§</sup>	2.8% <sup>§</sup>
<p>* Estimate</p> <p><sup>†</sup> Partial estimate. The doing business regulations took effect in the middle of the 2009 election cycle.</p> <p><sup>‡</sup> Calculated based on total contributions of \$39,500,000 (New York City Campaign Finance Board, <i>2009 Post-Election Report, New Yorkers Make Their Voices Heard</i>, pg. 158).</p> <p><sup>§</sup> Calculated based on total contributions, excluding candidate contributions to their own campaigns and contributions to terminated campaigns.</p>					

Although the total volume of doing business contributions decreased between 2013 and 2017, such contributions made up a greater proportion of overall contributions in 2017.<sup>3</sup> A larger portion of doing business contributions tends to go to incumbents, and this held true for the 2017 election cycle, in which incumbent candidates raised 82 percent of all doing business contributions.

The Campaign Finance Act does not allow public funds to be paid on contributions from those doing business with the city. The claims for matching funds made on contributions from people in the Doing Business Database (DBDB) totaled \$104,696, which could have led to public funds payments of \$628,176. The savings to taxpayers is likely even greater, because campaigns that are aware of the regulations and a contributor’s doing business status may not make a matching claim to begin with. Only 21 percent of doing business contributions were claimed for match, compared to 57 percent of all contributions, suggesting significant self-regulating by campaigns that received contributions from individuals in the DBDB.

<sup>3</sup> This is based on contributions to non-terminated candidates, including refunds but excluding contributions made by candidates to their own campaigns.

## CONTRIBUTIONS FROM INDIVIDUALS IN THE DOING BUSINESS DATABASE

<b>“DOING BUSINESS” RELATIONSHIP TYPE</b>	<b>INDIVIDUALS IN DBDB</b>	<b>CONTRIBUTORS</b>	<b>% OF DB INDIVIDUALS WHO CONTRIBUTED</b>
Land Use	437	84	19.2%
Real Property	3,500	443	12.7%
Lobbying	4,486	571	12.7%
Grants	734	78	10.6%
Economic Development	1,708	168	9.8%
Franchises & Concessions	279	19	6.8%
Contracts	36,923	1,382	3.7%
Pension Fund Investment	2,917	23	0.8%
Total Unique People*	47,673	2,206	4.6%
* Because individuals may have multiple types of business relationship with the city, the total counts do not represent the sums of each column.			

The DBDB captures individuals with many different types of relationships with the city, and as can be seen in the table above, different patterns of contribution activity are associated with each type of relationship. For example, although the number of individuals with land use relationships with the city is relatively small, almost one in five of them made contributions. Lobbyists, grant and economic development assistance recipients, and individuals with real property matters also made contributions at higher rates.



## DOING BUSINESS CONTRIBUTIONS FROM SPOUSES AND DOMESTIC PARTNERS OF LOBBYISTS

An ongoing concern in the administration of meaningful pay-to-play regulations is the possibility that those who do business with the city might exert influence via contributions that are made by their spouses or domestic partners. These contributions are not subject to the doing business limits, and all such contributions, except those made by the spouses or domestic partners of lobbyists, can be matched with public funds for an even greater impact. The doing business law calls for the formation of a task force to study the feasibility of including spouses, domestic partners, and unemancipated children in the doing business contribution restrictions.<sup>4</sup> While no such task force has been convened, the data indicates patterns of contributions that would make further study worthwhile.

As the spouses of lobbyists are required to be reported on a lobbyist registration, their contribution patterns can be identified. In 2017, 135 reported lobbyist spouses made campaign contributions, which represents about 6 percent of all spouses reported in the DBDB. This is a greater rate than the overall 5 percent of individuals in the DBDB who made contributions.

There were 53 pairs of lobbyists and spouses who made contributions to the same candidate, usually within 10 days of each other or less, and in most cases the spouses gave more than the lobbyist. The average net contribution from a lobbyist spouse was \$867, compared to \$261 from the lobbyists themselves. 85 candidates were the recipients of these contributions, and 29 of them received contributions exceeding \$1,000 from the spouses. If these contributions had been eligible to be matched with public funds, the difference would be even starker. Campaigns made approximately \$6,500 in matching claims on contributions from lobbyist spouses, which could have led to \$39,000 in public funds payments had they been eligible. Only 9 percent of individuals in the DBDB are lobbyists, so if this pattern extended to the spouses of people with other doing business relationships with the city, public funds payments of close to half a million dollars might have been made.

An ongoing concern  
is the possibility  
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domestic partners.**

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<sup>4</sup> See New York, N.Y. Local Law No. 34 (July 3, 2007).



The spouses of those with non-lobbying doing business relationships might have different patterns of behavior, but a simple comparison of donors with the same last name and address as doing business donors indicates that spouses of people doing other types of business with the city are also making contributions larger than the doing business limit. With lobbying spouses overall donating on average three to four times more than the lobbyists themselves, and frequently appearing to coordinate their contribution with the lobbyist, further consideration of whether family members are being used to circumvent the doing business limits is needed.

## DOING BUSINESS INTERMEDIARIES

Although the pay-to-play regulations place reduced limits on contributions from individuals in the DBDB, these individuals continue to bundle significant volumes of contributions for city candidates. Bundling tens of thousands of dollars in campaign contributions may provide a means for those who do business with the city to seek influence with elected officials or create the appearance of doing so. In order to provide some restrictions on doing business intermediation, Local Law 167 of 2016 made contributions intermediated by individuals in the DBDB ineligible to be matched with public funds, starting December 22, 2016.

As this law has only been in effect for one part of one election cycle, there is a limited amount of data with which to evaluate its impact, and the analysis across the 2017 and 2013 election cycles must take into consideration the fact that 2017 contributions were of a very different scale and character. In 2013, almost 18,500 contributions (about 10 percent of all contributions) were reported as being bundled. Only about 3,300 contributions were bundled in 2017, which comprised merely 3 percent of the total.

While bundling activity decreased overall, the share of bundling activity by people doing business with the city grew. Only 5 percent of contributors were doing business with the city, but over 35 percent of intermediaries were in the DBDB at some time in the 2017 election cycle, almost double the 18 percent in 2013. Given that there were 49 incumbents<sup>5</sup> across all city offices in the 2017 elections, compared with 32 incumbents<sup>6</sup> in 2013, and that incumbents generally receive more doing business contributions, it is perhaps not surprising that the percentage of intermediaries in the DBDB rose.

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5 In 2017, each of the citywide races (comptroller, public advocate, and mayor) featured an incumbent running, and all five borough president races and 41 Council races featured incumbents as well.

6 In 2013, none of the citywide offices had an incumbent running, and one out of the five borough president seats and 31 Council seats featured incumbents.

As shown below, in 2013, 23 percent of intermediated funds were bundled by doing business intermediaries, and in 2017, that percentage almost doubled to 42 percent. The average contribution bundled by doing business intermediaries continued to be much larger than the average contribution from non-doing business intermediaries, and grew from 2013.

## INTERMEDIATED CONTRIBUTIONS IN 2017 AND 2013

	2017	2013
NUMBER OF CONTRIBUTIONS	3,261	18,475
NUMBER OF DOING BUSINESS CONTRIBUTIONS	1,012 (31%)	3,318 (18%)
VALUE OF CONTRIBUTIONS	\$2,129,481	\$11,706,600
VALUE OF DOING BUSINESS CONTRIBUTIONS	\$902,334 (42%)	\$2,703,806 (23%)
AVERAGE CONTRIBUTION	\$653	\$634
AVERAGE DOING BUSINESS CONTRIBUTION	\$891	\$815

However, this pattern was reversed in the final year of the four-year election cycle, after the passage of LL167. Prior to the law's enactment, doing business intermediaries were responsible for 46 percent of all bundling (double the 2013 rate). After the law took effect on December 22, 2016, the doing business share of bundling shrank to 18 percent.

After the law's passage, intermediated contributions looked more like contributions overall — they were smaller, and were less associated with doing business sources. While it is generally true that most small contributions are given during the last year of the four-year election cycle, the magnitude of the change (see the table below) strongly suggests that the passage of the law had an impact on intermediated activity.

## DOING BUSINESS AND NON-DOING BUSINESS CONTRIBUTIONS BEFORE AND AFTER LL167

	DB COUNT	NON-DB COUNT	DB VALUE	NON-DB VALUE	DB AVERAGE	NON-DB AVERAGE
TOTAL CONTRIBUTIONS	1,012	2,249	\$902,334	\$1,227,147	\$891	\$546
BEFORE 12/22/16	709 (70%)	832 (36%)	\$750,160 (83%)	\$875,124 (71%)	\$1,058	\$1,052
AFTER 12/22/16	303 (30%)	1,417 (64%)	\$152,174 (17%)	\$352,023 (29%)	\$502	\$248

After the passage of LL167, there was a decrease in contributions intermediated by people with business dealings with the city. There was also an increase in small dollar contributions that were eligible to be matched with public funds, bundled by individuals who are not on the DBDB. It is important to note here that these are still contributions that are coming to campaigns via bundlers. However, if the passage of LL167 discouraged campaigns from relying on doing business intermediaries and resulted in more significant volumes of small contributions among those bundled, it is possible that the law has diminished the amount of influence-seeking in NYC elections.

Despite the relative decrease in volume of doing business intermediation, it remains a disproportionately significant source of all contributions. Additionally, the CFB's ability to enforce intermediation restrictions is dependent on intermediation being properly reported by campaigns. Data from future election cycles may provide a clearer picture of what role intermediation plays in the reality or appearance of pay-to-play, and what measures can be taken to minimize it.

## TOP 10 INTERMEDIARIES IN THE DOING BUSINESS DATABASE

INTERMEDIARY	AMOUNT INTERMEDIATED*	CANDIDATES	DOING BUSINESS TYPE
James Capalino	\$61,740	de Blasio, Stringer	Contracts, Lobbying
Suri Kasirer	\$56,030	de Blasio	Lobbying
Sol Arker	\$34,000	de Blasio, Katz	Contracts, Land Use, Real Property
Eugene Schneur	\$30,100	de Blasio	Contracts, Real Property
Sid Davidoff	\$27,500	de Blasio, Stringer	Lobbying
Kenneth Fisher	\$27,250	de Blasio	Contracts
Ethan Geto	\$27,100	James, C. Johnson	Lobbying
Michael Woloz	\$26,225	de Blasio, C. Johnson, D. Richards, Stringer, R. Torres	Lobbying
Jordan Barowitz	\$24,750	Stringer	Lobbying
Joel Eisdorfer	\$24,650	E. Adams	Lobbying
* Based on presence in Doing Business Database at any time in election cycle.			

# INDEPENDENT EXPENDITURES

The 2017 election cycle was the second since the implementation of the CFB's independent spending disclosure regulations. Compared with the 2013 election cycle, 2017 featured more incumbents running for re-election — and a steep decline in independent activity.<sup>1</sup> Total independent spending fell from \$16 million in 2013 to \$1.5 million. In citywide and boroughwide races, spending decreased from \$9.6 million to \$253,866, while in City Council races, spending fell from \$6.3 million to \$1.3 million. The number of targeted Council races also dropped from 41 to 24.

There was a commensurate decline in contributions to independent spenders, as they dropped from \$27 million to \$2.9 million. Of this sum, the four largest contributions, totaling \$1.9 million, were only nominally contributions — all were unions transferring funds to their clearly named independent expenditure committees.

The tone of the spending throughout this cycle was generally positive. Of the \$1.5 million in spending, only \$274,674 (18 percent) included negative messaging — mostly focused on the mayoral race.

As noted above, the small number of open-seat races led to a substantial decline in independent spending. As such, caution must be exercised in drawing any overarching conclusions from the data. However, it may be possible to glean some insights by examining some trends found across multiple races.

## INDEPENDENT SPENDING IN THE CITYWIDE RACES

The mayoral race attracted the most spending of any race this cycle, \$218,504. This figure represents a steep decline from the \$8 million spent on the open mayoral race in 2013. \$205,181 of the spending on the mayoral race this cycle was in opposition to Bill de Blasio. Bradley Tusk spent \$71,156 trying to attract a primary challenger against the mayor,<sup>2</sup> and the Transport Workers Union spent \$134,025 on newspaper advertisements criticizing the mayor for his handling of various transit issues. In support of de Blasio, the Empire State 32BJ SEIU PAC spent \$13,323. The other citywide races featured only pro forma spending.

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1 For details regarding independent spending during the 2017 elections, consult the Independent Expenditures Summary at [https://www.nycfb.info/VSAApps/WebForm\\_Finance\\_Independent.aspx?as\\_election\\_cycle=2017](https://www.nycfb.info/VSAApps/WebForm_Finance_Independent.aspx?as_election_cycle=2017).

2 J. David Goodman, "Why Outside Groups Aren't Spending in the New York Mayor's Race," *The New York Times*, July 28, 2017, <https://www.nytimes.com/2017/07/28/nyregion/why-outside-groups-arent-spending-in-the-new-york-mayors-race.html>.

## TRENDS IN INDEPENDENT SPENDING

Even with a small handful of open seats, the lion's share of independent spending at the City Council level was directed at the candidates in those races — 68 percent, compared with 80 percent in 2013, which had more than twice the number of open seats.

Typically, independent spending is directed towards candidates who are deemed likely to win their races. This held true for 2017 as well, as independent spenders overwhelmingly backed winners in four of the five most expensive races of the cycle. A good deal of spending also went towards incumbents who won re-election in races where no one else received outside support. Winning candidates received 72 percent of all Council spending; 51 percent of the spending was in support of winning candidates for open seats and 21 percent supported incumbents who won re-election.

Spenders supported the winning candidates in the three most expensive Council races this cycle. In Council District 4, \$165,958 was spent backing the winner, Keith Powers, in an open race. Francisco Moya, the winning candidate in Council District 21, was backed by \$182,349 in independent spending for his race against Hiram Monserrate — the most of any candidate across all 2017 races. He attracted support from a diverse group of six spenders. The breadth of support for Moya can be illustrated by the fact that two sets of these groups came down on opposing sides in other races — Empire State 32BJ SEIU and the New York Central Labor Council both spent in support of Moya despite being on opposing sides in Council District 9, as did Planned Parenthood NYC (PPNYC) and the Patrolman's Benevolent Association, which came down on different sides in Council District 13.

Council District 43 was unique, in that it featured significant spending in both the primary and general elections. In the Democratic primary, which was highly contested, Justin Brannan was the beneficiary of \$47,052 in outside support, while others vying for the nomination received none. After Brannan won the primary, spending in the race continued. The general election saw \$107,169 in spending: \$60,481 in support of Republican John Quaglione; \$46,687 in support of Brannan.

One of the groups that supported Brannan in both the primary and the general was the Empire State 32BJ SEIU PAC. This group consistently backed winning candidates — 21 of the 22 candidates they supported won their races. Other spenders that overwhelmingly backed successful candidates included Hotel Workers for Stronger Communities, which supported seven out of seven winning candidates, and NYCLASS Animal Protection, which supported six out of six winning candidates.

## STATE LEGISLATORS RUNNING FOR CITY COUNCIL

Another theme throughout this cycle's primary elections was the large number of state legislators looking to win City Council seats. In particular, three of the five sitting legislators (Mark Gjonaj, Francisco Moya, and Robert Rodriguez) were supported by \$352,889 in independent spending, which represents 28 percent of all Council spending in only 8 percent of all districts that had spending.

Four state legislators ran for open Council seats — the three noted above and Ruben Diaz Sr. — and all but Rodriguez were successful. Moya, Gjonaj, and Rodriguez all led their races in terms of outside support, while Diaz did not receive any independent spending in support of his candidacy. The other sitting legislator to run, Felix Ortiz, attempted to unseat a sitting incumbent (Carlos Menchaca) and lost, despite receiving more independent spending than his opponent.

## EXCEPTIONS TO THE TRENDS

As stated above, most of the independent spending in 2017 was directed at candidates who ended up winning their races. However, outside support was not an automatic ticket to victory, as can be seen in some of the Council races. There were nine races where independent spenders supported opposing candidates, and in six of those races, the candidate receiving the most independent support lost. Furthermore, there were three races where only one candidate was supported by independent spending and nonetheless lost. Although the nine races where most or all of the independent support went to a losing candidate were a diverse lot, there were some commonalities between them.

In five of these races, the top recipient of independent expenditures was a challenger trying to unseat an incumbent, and this can be seen in both Council District 1<sup>3</sup> and Council District 9.<sup>4</sup> Spending in the latter race represented the most disproportionate distribution of independent spending of any race that had spenders on both sides — Holland was the beneficiary of 94 percent of the spending.

In Council District 30, the only race where the incumbent, Elizabeth Crowley, was not re-elected, Crowley had the advantage in outside support, receiving \$28,206 in independent spending. She was supported by \$5,206 in independent support from the Empire State 32BJ SEIU PAC while her challenger, Bob Holden, was targeted by \$23,000 of negative spending.

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3 The Downtown Independent Democrats spent \$18,317 in support of Christopher Marte, and the Empire State 32BJ SEIU PAC spent \$4,105 for Margaret Chin.

4 Marvin Holland was supported by \$49,286 in outside spending from the New York City Central Labor Council, dwarfing the \$3,219 spent by the Empire State SEIU 32BJ PAC in favor of Bill Perkins.

## NEW DISCLOSURE REQUIREMENTS

New disclosure requirements, which mandate disclosure of a spender's largest contributors on each communication, as well as disclosure of the funding sources of contributors giving \$50,000 or more to a spender, were first implemented in 2015.<sup>5</sup> To implement the new requirement, the CFB developed and introduced a fully-redesigned Follow the Money | NYC online portal, which provides improved access to comprehensive information about money in New York City politics — including the newly-required data on independent expenditures, which is among the most complete in any jurisdiction. The new FTM portal includes an all-new visual search for independent expenditures, which allows users to review images of mailers, video clips of TV ads, scripts of phone calls, and audio clips of radio ads in order to help them more easily identify who paid for a particular communication.

The new requirements — and the CFB's new disclosure tools — came into play in Council District 41. Henry Butler was supported by \$80,329 in independent expenditures, compared to \$60,482 spent in support of eventual winner Alicka Ampry-Samuel.

INDEPENDENT EXPENDITURES IN THE 2017 ELECTIONS, BY CANDIDATE					
CANDIDATE	OFFICE	INCUMBENT	WINNER	OPPOSE	SUPPORT
Bill de Blasio	Mayor	Y	Y	\$205,181	\$13,323
Letitia James	Public Advocate	Y	Y	—	\$12,150
Scott Stringer	Comptroller	Y	Y	—	\$12,150
Eric L. Adams	Borough President (Brooklyn)	Y	Y	—	\$3,411
Gale A. Brewer	Borough President (Manhattan)	Y	Y	—	\$4,000
Melinda Katz	Borough President (Queens)	Y	Y	—	\$2,075

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<sup>5</sup> See New York, N.Y. Local Law No. 41 (August 28, 2014).



The story behind Butler’s funding illustrates the benefits that the new disclosure requirements provide to voters. Butler’s largest backer was Progress Now New York (PNNY). PNNY distributed communications arguing that a vote for Butler was a vote for affordable housing and that Butler would “stand up to developers trying to take our homes and push us out of our neighborhoods.” This message was accompanied by a “paid for by” notice listing the group’s top donors—a developer, the Neighborhood Preservation Political Action Fund, and the Real Estate Board Political Action Committee. The notice thus provided critical context for voters as they weighed the arguments of the message.

If voters ventured to the CFB website, they would have picked up even more information about who exactly was funding the communication. While the “Neighborhood Preservation Political Action Fund” is a fairly ambiguous name, the Follow the Money | NYC search portal made it easy for voters to see that the original source of these funds was actually a handful of developers and real estate companies.

INDEPENDENT EXPENDITURES IN THE 2017 ELECTIONS, BY CANDIDATE (CONTINUED)					
CANDIDATE	OFFICE	INCUMBENT	WINNER	OPPOSE	SUPPORT
Ruben Diaz Jr.	Borough President (Bronx)	Y	Y	—	\$1,576
Margaret Chin	City Council (CD1)	Y	Y	—	\$4,105
Christopher Marte	City Council (CD1)	—	—	—	\$18,317
Carlina Rivera	City Council (CD2)	—	Y	—	\$28,458
Keith Powers	City Council (CD4)	—	Y	—	\$165,958
Bessie Schachter	City Council (CD4)	—	—	—	\$16,512
Helen Rosenthal	City Council (CD6)	Y	Y	—	\$40,019
Diana Ayala	City Council (CD8)	—	Y	—	\$3,670

**INDEPENDENT EXPENDITURES IN THE  
2017 ELECTIONS, BY CANDIDATE (CONTINUED)**

CANDIDATE	OFFICE	INCUMBENT	WINNER	OPPOSE	SUPPORT
Robert J. Rodriguez	City Council (CD8)	—	—	—	\$41,628
Marvin Holland	City Council (CD9)	—	—	—	\$49,286
Bill Perkins	City Council (CD9)	Y	Y	—	\$3,219
Mark Gjonaj	City Council (CD13)	—	Y	—	\$109,232
Marjorie Velazquez	City Council (CD13)	—	—	—	\$13,795
Randy Abreu	City Council (CD14)	—	—	—	\$9,000
Rafael Salamanca Jr.	City Council (CD17)	Y	Y	—	\$3,051
Amanda Farias	City Council (CD18)	—	—	—	\$3,500
Paul Vallone	City Council (CD19)	Y	Y	—	\$43,769
Peter Koo	City Council (CD20)	Y	Y	—	\$28,900
Francisco Moya	City Council (CD21)	—	Y	—	\$182,349
Adrienne E. Adams	City Council (CD28)	—	Y	—	\$1,244
Elizabeth Crowley	City Council (CD30)	Y	—	—	\$5,206
Robert Holden	City Council (CD30)	—	—	\$23,000	—

**INDEPENDENT EXPENDITURES IN THE  
2017 ELECTIONS, BY CANDIDATE (CONTINUED)**

CANDIDATE	OFFICE	INCUMBENT	WINNER	OPPOSE	SUPPORT
Antonio Reynoso	City Council (CD34)	Y	Y	—	\$2,438
Laurie A. Cumbo	City Council (CD35)	Y	Y	—	\$131,525
Carlos Menchaca	City Council (CD38)	Y	Y	—	\$4,367
Felix W. Ortiz	City Council (CD38)	—	—	—	\$19,680
Mathieu Eugene	City Council (CD40)	Y	Y	—	\$2,051
Alicka Ampy-Samuel	City Council (CD41)	—	Y	—	\$54,864
Henry Butler	City Council (CD41)	—	—	—	\$80,329
Justin Brannan	City Council (CD43)	—	Y	—	\$93,739
John Quaglione	City Council (CD43)	—	—	—	\$60,482
Kalman Yeger	City Council (CD44)	—	Y	—	\$1,100
Chaim M. Deutsch	City Council (CD48)	Y	Y	—	\$1,100
Dylan Schwartz	City Council (CD51)	—	—	—	\$7,855
<b>GRAND TOTAL</b>	—	—	—	<b>\$228,181</b>	<b>\$1,279,432</b>

## INDEPENDENT EXPENDITURES IN THE 2017 ELECTIONS, BY SPENDER

SPENDER	AMOUNT
Hotel Workers for Stronger Communities	\$395,498
NYCLASS Animal Protection	\$231,456
Progress Now New York	\$215,639
Transport Workers Union	\$134,025
Patrolmen's Benevolent Association Independent Exp	\$128,329
Empire State 32BJ SEIU PAC	\$108,416
NYC CLC Political Action Campaign Fund	\$81,540
Bradley Tusk	\$71,156
Planned Parenthood of NYC Political Committee	\$43,303
Lex Dems 2017	\$26,012
Michael Ricatto	\$23,000
Downtown Independent Democrats	\$20,009
True Majority New York	\$19,680
Peter's New York PAC	\$4,600
TWU Local 100 Political Action	\$2,750
Leon Goldenberg	\$2,200
<b>GRAND TOTAL</b>	<b>\$1,507,613</b>

## EDUCATING, ENGAGING, AND EMPOWERING VOTERS

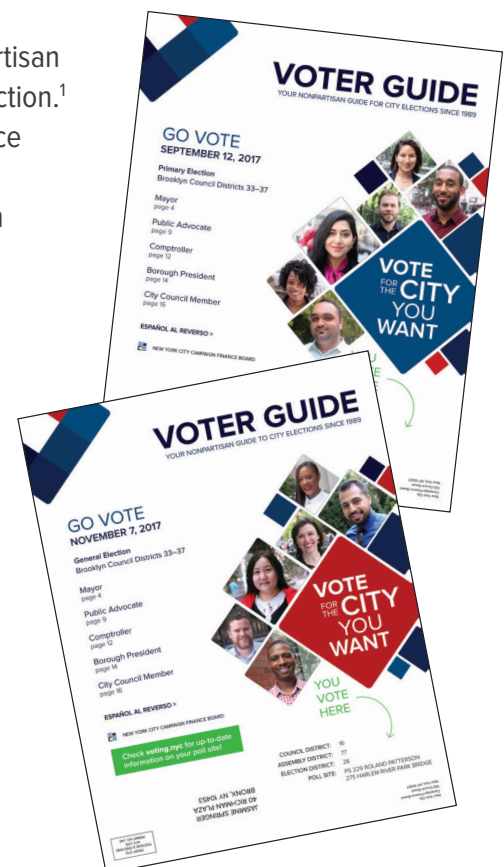
In addition to administering the matching funds program, empowering New York City voters to participate in city elections and become more civically engaged is a key aspect of the CFB's mission. For thirty years, the CFB has produced the Voter Guide for city elections. Since the 1997 elections, it has conducted public debates between candidates for citywide office. A 2010 City Charter revision added significant voter engagement responsibilities to the CFB's mandates, including a wide range of voter engagement, voter registration, and Get Out the Vote (GOTV) activities. Today, the CFB leads these and other programs through the NYC Votes voter engagement initiative.

## THE VOTER GUIDE

The CFB is mandated by the City Charter to produce the official nonpartisan New York City Voter Guide for every regularly scheduled municipal election.<sup>1</sup> The Guide is the CFB's most widely distributed voter resource, and since 1989, print editions of the Guide have been mailed to millions of NYC households prior to both the primary and general citywide elections. In accordance with the Voting Rights Act (VRA), the Guide is available in English and Spanish throughout the city and is translated into Chinese, Korean, and Bengali for targeted boroughs.

Candidates running for mayor, public advocate, comptroller, borough president, and City Council are invited to submit a profile with biographical information, party affiliation, a recent photo, any website or social media links, and a statement about their candidacy. The Guide also provides information about city and state ballot proposals and where and how to vote. The Guide is available online on the CFB's website. The CFB also produces the Video Voter Guide, featuring two-minute taped statements from the candidates which are available as part of the online Voter Guide and aired on community television.

Based on feedback from voters who wanted more specific information about their elections and candidates, the print edition



<sup>1</sup> See N.Y.C. Charter § 1053.

was re-conceptualized for the 2017 election cycle to provide a more accessible reading experience. The print edition featured explainers about the matching funds program and the role that elected officials play in New Yorkers' day-to-day lives, and individual profiles prompted candidates to list their top three issues. Over 3 million print copies of the Guide were mailed out for the primary election and over 4.5 million copies for the general election. Print editions were sent to over 230 pickup locations at libraries, recreation centers, hospitals, and other local community centers throughout the city as well.

To comply with recent legislation<sup>2</sup> mandating that voters be able to opt out of receiving printed Voter Guides in the mail, the CFB developed an application on its website that would fulfill this function. By entering their email addresses and confirming that they wished to opt out of receiving print Guides, voters were able to “go paperless” and instead receive alerts about important election dates and a link to the online Voter Guide by email.

The general election edition of the Guide also provided information about the three proposals that appeared on the ballot in November. The Guide included plain language descriptions of the measures, reasons to vote yes or no, and pro and con statements, which were solicited from the public and published online. Of the three ballot proposals, the question of whether or not to hold a constitutional convention received the most attention in the media.

## “VOTE FOR THE CITY YOU WANT”

In August 2017, the CFB launched an ambitious, nonpartisan GOTV campaign, “Vote for the City You Want.”<sup>3</sup> The campaign highlighted the impact of local elections on voters' lives and directed New Yorkers to [voting.nyc](https://www.voting.nyc.gov), the city's official landing page for voting information and resources like the Voter Guide. [Voting.nyc](https://www.voting.nyc.gov) also provides links to comprehensive information about voting rights and how to vote, voter registration forms in multiple languages, and a poll site locator.

The campaign featured a diverse cast of New Yorkers, and spots aired on cable television, streaming services, YouTube, Twitter, Facebook, and Instagram. Print ads appeared in newspapers, subways, buses, ferries, and community spaces such as hair salons and neighborhood bodegas. The ads were translated into the four additional languages covered by the VRA (Spanish, Chinese, Korean, and Bengali), and the videos were produced in English, Spanish, and Chinese. Each spot focused on a different issue that is important to New Yorkers—education, healthcare, affordability, mass transit, jobs, and public safety. The campaign urged voters to make a difference on these issues by participating in their citywide elections.



<sup>2</sup> See New York, N.Y. Local Law No. 170 (December 22, 2016).

<sup>3</sup> Videos from the campaign can be viewed here: [https://www.youtube.com/playlist?list=PLOB0b34dC\\_h8N3Dvj8F9dZRAKQemSyr-C](https://www.youtube.com/playlist?list=PLOB0b34dC_h8N3Dvj8F9dZRAKQemSyr-C).

The campaign was rolled out twice during the election cycle: on August 23rd before the primary election and on October 17th before the general election. As a result, the online Guide received about three times as many visitors as it received in 2013 in the two weeks prior to each election. Videos for the campaign received over 130,000 views on YouTube as well.

## THE DEBATE PROGRAM

Candidate debates are an important part of the democratic process, and the Debate Program, which was established by law in 1996, is a cornerstone of the CFB’s voter education efforts. Participation in the debates is required for citywide candidates participating in the matching funds program.<sup>4</sup> The debates, which are televised, provide voters with an opportunity to hear directly from candidates and compare them side-by-side as they discuss important issues facing the city.

If a participating candidate who qualifies for a debate fails to appear, the candidate must return any public matching funds he or she has received and is ineligible for any further public funds for that election.<sup>5</sup> The law requires two debates to be held before each primary and general election for the offices of mayor, public advocate, and comptroller. By law, the second of the two debates is for candidates who are considered “leading contenders.”<sup>6</sup>

Public debates compel candidates to address voters’ concerns directly and answer questions from reporters on the spot. As Dan Forman, Managing Editor of CBS2 News, said at the CFB’s 2017 Post-Election Hearing in January 2018, “I cannot stress enough the importance of a structure like the NYC CFB to ensure that candidates address voter concerns. Thanks to the CFB Program, we were able to ask [the candidates] thoughtful and pointed questions about corruption, gentrification, the homeless, traffic congestion, the MTA, and other important issues.”<sup>7</sup>

Public debates  
compel candidates  
to **address voters’  
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reporters on  
the spot.**

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4 See N.Y.C. Admin. Code § 3-709.5.

5 See N.Y.C. Admin. Code § 3-709.5(9).

6 See N.Y.C. Admin. Code § 3-709.5(3), (5)(b)(i).

7 See Testimony of Dan Forman, Managing Editor of CBS New York, before the NYC Campaign Finance Board’s 2017 Post-Election Hearing, available at [https://www.nyccfb.info/pdf/EC2017\\_Dan\\_Forman\\_Testimony.pdf](https://www.nyccfb.info/pdf/EC2017_Dan_Forman_Testimony.pdf).

## SPONSORS

The CFB recruits broadcasters and other organizations to sponsor, organize, and broadcast the debates. Past sponsors have included television and radio broadcasters, print and online media outlets, advocacy organizations, and academic institutions. The CFB received six applications to sponsor the 2017 Debate Program from a total of 42 organizations. Christine Cupaiuolo, a former Civic Engagement Fellow at Civic Hall, assisted the CFB's selection process. In her work, Cupaiuolo has demonstrated how the use of innovative formats and social media have allowed debate administrators around the world to increase engagement and become more responsive to voters' needs and concerns.<sup>8</sup>

The CFB chose two sponsor groups to implement the Program:

- ♦ **WCBS**, WLNY 1055, NewsRadio 880, 1010 WINS, *Daily News*, Common Cause New York, City University of New York, New York Immigration Coalition, and Rock the Vote
- ♦ **Spectrum News NY1**, Spectrum News NY1 Noticias, WNYC, *POLITICO*, Citizens Union, Civic Hall, Intelligence Squared, and the Latino Leadership Institute.

## CANDIDATE ELIGIBILITY CRITERIA

In addition to participating in the matching funds program, candidates must be on the ballot, meet criteria set in the debate law, and meet the additional objective, nonpartisan, and non-discriminatory criteria agreed upon in advance by the CFB and the sponsors (see below).

2017 DEBATE SPONSOR CRITERIA — PRIMARY ELECTION		
OFFICE	FIRST DEBATE	LEADING CONTENDERS' DEBATE
Mayor	\$174,225 raised and spent	\$174,225 raised and spent AND received endorsement from a citywide, a statewide, or federal elected official, OR received endorsement from one or more membership organizations with over 250 members, OR received significant media exposure
Public Advocate	\$108,925 raised and spent	\$125,000 raised and spent
Comptroller	\$108,925 raised and spent	\$125,000 raised and spent

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<sup>8</sup> Cupaiuolo, Christine, "Rethinking Debates," Civic Hall, available at <https://civichall.org/wp-content/uploads/2017/01/Rethinking-Debates-Report-Final-Jan-2017.pdf>.



2017 DEBATE SPONSOR CRITERIA — GENERAL ELECTION		
OFFICE	FIRST DEBATE	LEADING CONTENDERS' DEBATE
Mayor	\$500,000 raised and spent, OR \$174,225 raised AND spent and 8% in Marist or Quinnipiac poll.	\$1,000,000 raised and spent, OR \$174,225 raised AND spent and 15% in Marist or Quinnipiac poll.
Public Advocate	\$108,925 raised and spent	\$217,850 raised and spent
Comptroller	\$108,925 raised and spent	\$217,850 raised and spent

If fewer than two candidates qualify for a debate, then the debate is cancelled. In the event of a runoff election, one debate must be held for that office. By law, sponsors may, but are not required to, invite candidates who are not in the matching funds program if they meet the requirements for participating candidates.<sup>9</sup>

In 2017, the CFB sponsored a total of four debates in the mayoral election: two for the Democratic primary and two for the general. There was one CFB-sponsored debate for the office of comptroller in the general election between incumbent Scott Stringer and challenger Michel Faulkner, but none for the office of public advocate, as the incumbent, Letitia James, qualified to debate but her challengers did not. However, the candidates and the Spectrum News NY1 sponsor group agreed to hold one debate for public advocate prior to the general election.

All debates were broadcast live on television and radio and livestreamed on broadcasters' websites. Livestreams were also shared on the broadcasters' and NYC Votes' social media platforms. All debates were publicized through a combination of broadcast commercials, newscast mentions, newspaper advertisements, and social media promotions. Viewership numbers can be seen in the table below.

DEBATE VIEWERSHIP   PRIMARY ELECTION		
DEBATE AND DATE/TIME	SPONSOR GROUP	VIEWERSHIP
Democratic (Mayoral) August 23, 2017, 7 pm	Spectrum News NY1	54,817
Democratic (Mayoral) September 6, 2017, 7 pm	WCBS/WLNY	352,360

<sup>9</sup> See N.Y.C. Admin. Code § 3-709.5 (b)(ii).

DEBATE VIEWERSHIP   GENERAL ELECTION		
DEBATE AND DATE/TIME	SPONSOR GROUP	VIEWERSHIP
Mayoral October 10, 2017, 7 pm	Spectrum News NY1	101,812
Mayoral November 1, 2017, 7 pm	WCB/WLNY	356,601

The WCBS-led sponsor group set up a Twitter account, [@NYCDebates2017](#), specifically for live tweeting the debates. Throughout the month of June, WCBS also held livestreamed town hall meetings in each borough to source constituents' questions and concerns and to promote their sponsorship of the Debate Program.<sup>10</sup> The Town Halls were moderated by journalists at publications and outlets in the greater sponsor group who later served as panelists during the debates. The Town Halls took place throughout the city: at Lehman College in the Bronx, the New York Hall of Science in Queens, the Brooklyn Public Library, the Schomburg Center for Research in Black Culture in Manhattan, and the College of Staten Island.

## THE PRIMARY ELECTION DEBATES

The first debate of the 2017 election season took place on Wednesday, August 23rd between Mayor Bill de Blasio and Sal Albanese. The debate was broadcast by NY1 Spectrum News from Symphony Space on the Upper West Side. *Inside City Hall* anchor Errol Louis moderated, while panelists Juan Manuel Benitez of NY1 Noticias, Brian Lehrer of WNYC, and Laura Nahmias of *POLITICO New York* presented questions to the candidates.

The 90-minute debate was contentious, with Albanese criticizing the mayor on issues ranging from mass transit to housing to the homelessness crisis. Mayor de Blasio made news with two promises he made during the debate. First, de Blasio said that he would not run for president in 2020, promising to complete his second term as mayor. Second, after Albanese asked the mayor to produce a list of donors who sought favors from him, de Blasio agreed to publish this information in an op-ed before Primary Day.<sup>11</sup>

The next debate took place a week before the primary election, on Wednesday, September 6th. De Blasio and Albanese faced off for a second time as "leading contenders" in an hour-long democratic primary mayoral debate. WCBS-TV broadcasted the event from the CUNY Graduate Center in midtown Manhattan. WCBS-TV anchor Maurice DuBois moderated and panelists Marcia Kramer of WCBS-TV, Juliet Papa of 1010 WINS, and Jillian Jorgensen of the *Daily News* asked the candidates questions.

<sup>10</sup> See Video Archives of Town Hall Meetings, WCBS, available at <http://newyork.cbslocal.com/2017-nyc-debates/>.

<sup>11</sup> Jillian Jorgensen, "De Blasio, Sal Albanese slug it out in City Hall primary debate," *Daily News*, August 23, 2017, <http://www.nydailynews.com/new-york/de-blasio-sal-albanese-slug-city-hall-primary-debate-article-1.3437120>.

## THE GENERAL ELECTION DEBATES

The first general election mayoral debate took place on Tuesday, October 10th. After winning the Democratic primary, de Blasio debated Republican nominee Nicole Malliotakis and independent candidate Bo Dietl at Symphony Space.

The heated 90-minute exchange was broadcast by NY1 Spectrum News and moderated by Errol Louis. From the very beginning of the debate, the mayor was vehemently attacked by his opponents, while the crowd jeered and yelled. At one point, Errol Louis stopped the debate, turned to the crowd, and urged attendees to exercise restraint. A heckler was escorted out of the theater by security. *The New York Times* published an article calling the debate “rowdy and rambunctious.”<sup>12</sup> The *Times*’ editorial board chimed in as well, describing the event as a lost opportunity for voters looking for substance.<sup>13</sup> The debate prompted Citizens Union, one of the 2017 Debate Program sponsors, to recommend that future CFB-sponsored debates require participating candidates “to disavow disruptive behavior from the audience, and pledge to address rowdy supporters during the debate and ask them to immediately stop any troublesome behavior.”<sup>14</sup>

The final debate of 2017 again featured de Blasio, Malliotakis, and Dietl and took place at the CUNY Graduate Center on Wednesday, November 1st. The candidates debated the issues while Maurice Du Bois moderated. During the hour-long exchange broadcast by WCBS-TV, the mayor was challenged on issues such as public safety, the homelessness crisis, ethics, and his relationship with the press and the governor. The debate ended with de Blasio promising to build on the achievements from his first term, Malliotakis vowing to “take the ‘For Sale’ sign off City Hall” and put voters’ interests first,<sup>15</sup> and Dietl claiming that the city was at a crossroads with only two choices — himself and the mayor.<sup>16</sup>

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<sup>12</sup> Shane Goldmacher, “Five Takeaways From the New York City Mayoral Debate,” *The New York Times*, October 10, 2017, <https://www.nytimes.com/2017/10/10/nyregion/mayoral-debate.html>.

<sup>13</sup> The Editorial Board, “Biggest Loser at the New York Mayoral Debate? The Voters,” *The New York Times*, October 11, 2017, [https://www.nytimes.com/2017/10/11/opinion/nyc-mayor-debate.html?\\_r=0](https://www.nytimes.com/2017/10/11/opinion/nyc-mayor-debate.html?_r=0).

<sup>14</sup> See Testimony of Rachel Bloom, Director of Public Policy and Programs of Citizens Union before the New York City Campaign Finance Board’s 2017 Post-Election Hearing, available at [https://www.nycffb.info/pdf/EC2017\\_Rachel\\_Bloom\\_Testimony.pdf](https://www.nycffb.info/pdf/EC2017_Rachel_Bloom_Testimony.pdf).

<sup>15</sup> Shane Goldmacher, “Five Takeaways From the Final New York City Mayoral Debate,” *The New York Times*, November 1, 2017, <https://www.nytimes.com/2017/11/01/nyregion/mayoral-debate-de-blasio-malliotakis-dietl-new-york.html>.

<sup>16</sup> Samar Khurshid, “Mayoral Candidates Make Closing Arguments in Frenetic Final Debate,” *Gotham Gazette*, November 2, 2017, <http://www.gothamgazette.com/city/7291-mayoral-candidates-make-closing-arguments-in-frenetic-final-debate>.

## DEBATE WATCH PARTIES

The CFB worked with nonprofit advocacy group Transportation Alternatives to host watch parties for both general election mayoral debates in Brooklyn and Queens. The watch parties took place outdoors, and the debates were projected live on large screens. At both events, CFB partner Dominicanos USA registered voters, while IDNYC signed people up for the IDNYC card and New Yorkers for Parks shared information about public spaces in the city.

The first watch party took place in Brooklyn's Bedford-Stuyvesant Restoration Plaza. Approximately 250 people were in attendance, with 85 people staying to watch the debate. NY1 Spectrum News, the official sponsor of the night's debate, covered the event and interviewed attendees. The watch party for the second general election mayoral debate took place at the 78th Street Plaza in Queens. Approximately 90 people visited the Plaza, with 40 people staying to watch the debate. The Department of Transportation provided live interpretation services in Spanish, Hindi, and Bangla using headsets.

Marco Conner, Legislative and Legal Director at Transportation Alternatives, testified at the CFB's post-election hearing in January 2017 about the watch party initiative, saying, "Our vision was to highlight New York City's plazas and public spaces as vital civic space, help generate interest in the electoral process and politics among New Yorkers, increase voter turnout, and to encourage First Amendment activity and public debate by making the context for engaging in debates more engaging and relevant to New Yorkers in a local community setting."<sup>17</sup>

***“Our vision was to highlight New York City’s plazas and public spaces as vital civic space [and] help generate interest in the electoral process.”***

— MARCO CONNER,  
LEGISLATIVE AND LEGAL DIRECTOR  
AT TRANSPORTATION ALTERNATIVES

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<sup>17</sup> See Testimony of Marco Conner, Legislative and Legal Director at Transportation Alternatives, before the New York City Campaign Finance Board's 2017 Post-Election Hearing, available at [https://www.nycfb.info/pdf/EC2017\\_Marco\\_Conner\\_Testimony.pdf](https://www.nycfb.info/pdf/EC2017_Marco_Conner_Testimony.pdf).

## DEBATE-RELATED LITIGATION

Three candidates — Sal Albanese, Richard Bashner, and Michael Tolkin — sued the CFB in an effort to be included in the debates for the mayoral race.

### ALBANESE V. NYC CAMPAIGN FINANCE BOARD (STATE)

Sal Albanese brought an Article 78 proceeding in New York State Supreme Court in an effort to be included in the first general election debate for mayor on October 10, 2017.<sup>18</sup>

After Albanese was not invited to the first mayoral general election debate, he sought a temporary restraining order (TRO) to prevent the debate from going forward without his participation. Albanese asserted that the financial criteria for eligibility are “arbitrary and capricious and stifle political speech of ballot access candidates.” Following oral argument, the judge denied Albanese’s request. Albanese then made an emergency appeal of the denial to the Appellate Division, First Department which was denied.<sup>19</sup>

Because Albanese’s applications for immediate relief before both the Supreme Court and the First Department were denied, the debate proceeded as scheduled on October 10, 2017 without Albanese’s participation.

### ALBANESE ET AL V. NYC CAMPAIGN FINANCE BOARD (FEDERAL)

On October 26, 2017, Albanese filed a Motion for an Emergency TRO before Eastern District of New York (EDNY) Judge Raymond J. Dearie to be included in the second mayoral general election debate on November 1, 2017. The action alleged that N.Y.C. Admin. Code § 3-709.5 is unconstitutional and invalid, both facially and as applied, based upon the First and Fourteenth Amendments.<sup>20</sup>

Albanese’s request was denied. Judge Dearie said “[w]hile the Court understands plaintiffs’ obvious displeasure with the use of certain financial criteria for debate eligibility, it finds no evidence to suggest that the challenged CFB Rules are partisan, subjective, or discriminatory, or that they infringe upon plaintiffs’ constitutional rights. The Court understands the genuine public interest in limiting debates to

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18 *Albanese v. N.Y.C. Campaign Fin. Bd.*, No. 0158731/2017, (Sup. Ct. New York County, Feb. 5, 2018).

19 *Albanese v. N.Y.C. Campaign Fin. Bd.*, No. 158731/2017, 2017 WL 4782374 (N.Y.A.D. 1 Dept.), 2017 N.Y. Slip Op. 90213(U).

20 *Albanese v. N.Y.C. Campaign Fin. Bd.*, No. 1:17-CV-06254, 2017 WL 4838742 (E.D.N.Y.).

candidates perceived as viable and acknowledges that financial criteria may be a logical measure of a candidate's strength."<sup>21</sup>

### **BASHNER V. NYC CAMPAIGN FINANCE BOARD (STATE)**

Richard Bashner, a Democratic candidate for mayor, brought an Article 78 proceeding in NY State Supreme Court in order to be included in the first Democratic primary election debate on August 23, 2017. Bashner sought an order declaring that the Board misinterpreted the Act as it pertains to candidates' eligibility to participate in the debate and directing the Board to invite him to participate.<sup>22</sup>

The judge declined to sign the order to show cause, stating that "no clear legal right to relief [was] demonstrated."<sup>23</sup> The Debate proceeded as scheduled on August 23, 2017 without Bashner's participation.

### **TOLKIN V. NYC CAMPAIGN FINANCE BOARD (STATE)**

Michael Tolkin, a candidate for mayor, brought an Article 78 proceeding in NY State Supreme Court in an effort to be included in the first general election debate.<sup>24</sup> Tolkin was a non-participant in the public matching funds program. Pursuant to the Act, if a debate sponsor has determined that a non-participating candidate has met all the nonpartisan, objective, and non-discriminatory criteria applicable to participating candidates for access to the debate, the sponsor *may* invite that candidate to participate in the debate.<sup>25</sup>

While the Board determined that Tolkin had met the qualifying criteria, NY1, the media sponsor, chose not to invite him to participate. Tolkin sought an order restraining the Board and NY1 from conducting the debate without his participation, but the judge declined to sign the order.<sup>26</sup> The debate proceeded as scheduled on October 10, 2017 without Tolkin's participation.

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<sup>21</sup> *Id.*

<sup>22</sup> *Bashner v. N.Y.C. Campaign Fin. Bd.*, No. 0157462/2017, 2017 WL 3592437, (Sup. Ct. New York County, Aug. 24, 2017).

<sup>23</sup> *Id.*

<sup>24</sup> *Tolkin v. N.Y.C. Campaign Fin. Bd.*, No. 101419/2017, (Sup. Ct. New York County, Oct. 10, 2017).

<sup>25</sup> See N.Y.C. Admin. Code § 3-709.5(5)(b)(ii).

<sup>26</sup> *Tolkin v. N.Y.C. Campaign Fin. Bd.*, No. 101419/2017, (Sup. Ct. New York County, Oct. 10, 2017).

## CANDIDATE COMMUNITY FORUMS

The CFB launched a series of candidate forums for the 2017 elections to spotlight City Council races, which often receive less media attention than the citywide races. Forums were held in Council districts with no incumbents running on the ballot. Unlike the Debate Program for citywide offices, candidates in the matching funds program were not required to participate.

After an application process, the CFB selected local community-based organizations to host the forums (see the table below). When possible, the forums were live streamed by the organization or CFB staff and shared on the NYC Votes Facebook page. Overall, the forums were well-attended and incorporated input from members of the community, with some of the partnering organizations soliciting questions from voters in advance or taking them as they came in via social media during the event.

LIST OF FORUMS			
DISTRICT	PARTNER ORGANIZATION	VENUE	CANDIDATE PARTICIPATION RATE
District 2 (Manhattan)	New York City Housing Authority Branch of the NAACP, Inc.	Grand Street Settlement Cafe Room	6 out of 6
District 4 (Manhattan)	The League of Women Voters of the City of New York	The Sylvia and Danny Kaye Playhouse, Hunter College	8 out of 9
District 8 (Manhattan)	Hispanic Federation, Inc.	Julia De Burgos Latino Cultural Center	3 out of 4
District 13 (Bronx)	Faith in New York	Throggs Neck Community Church	5 out of 5
District 18 (Bronx)	Garifuna Coalition USA, Inc.	P.S. 106 Parkchester School	4 out of 5
District 41 (Brooklyn)	Ocean Hill-Brownsville Coalition of Young Professionals	Brooklyn Collegiate Preparatory High School	5 out of 9
District 43 (Brooklyn)	East Kings County Alumnae Chapter of Delta Sigma Theta Sorority, Inc.	Brooklyn Public Library, Bay Ridge Branch	5 out of 9



## “I VOTED” STICKER

In March of 2017, the CFB hosted a competition to find a new design for the “I Voted” sticker, which has become a symbol of city pride and a celebration of New Yorkers’ voting rights since its introduction in 2013. The CFB received over 800 submissions. After selecting ten finalists based on their overall aesthetic quality, the strength of their pro-voting message, and how effectively they represented New York City, the CFB invited the public to vote on their favorite sticker design through our website. Nearly 10,000 votes were cast. The winning design, created by Marie Dagata and Scott Heinz, was inspired by the iconic MTA subway map. The new stickers were printed and distributed on Election Day by the Board of Elections in September and November.



## VOTER REGISTRATION AND GOTV ACTIVITIES

In accordance with our Charter-mandated requirement to register and engage voters in traditionally underserved communities, the CFB works with partners and individual volunteers to register voters and conduct GOTV activities through the Days of Action program.

The first Day of Action for the citywide election was held in partnership with the Department of Homeless Services on Saturday, September 23rd at five shelters in City Council districts with open seat races (City Council Districts 2, 4, 8, and 41), in the Bronx, Brooklyn, and Manhattan. We also worked with WIN (formerly known as Women in Need), a nonprofit dedicated to serving homeless women and their children, to hold voter registration drives in 12 shelters in Manhattan, Brooklyn, and Queens. The second Day of Action for the year was held on October 28th at the Gompers Houses in Manhattan’s City Council District 2. Staff and volunteers covered four buildings, knocking on doors and placing door hangers with information about the general election in November.

For major elections, NYC Votes uses GOTV phone banking to encourage voters to participate. With the help of 240 volunteers, NYC Votes made over 13,000 phone calls throughout the 2017 election cycle — 3,000 calls for the primary election from September 9th through 12th and over 9,000 calls for the general election from November 4th through 7th.

The CFB’s pre-general election registration efforts culminated on Tuesday, September 26th with National Voter Registration Day (NVRD). Held every fourth Tuesday of September, NVRD is a coordinated nationwide effort



to register voters and create awareness of voter registration opportunities. For this year's NVRD, NYC Votes held 180 registration events across the city in partnership with the YMCA of Greater New York, the Department of Parks and Recreation, the Human Resources Administration, the New York Public Interest Research Group, Dominicanos USA, the League of Women Voters of New York City, and CUNY. Registration drives were also held at YMCA locations in each borough.

## YOUTH ENGAGEMENT

Empowering and educating New York City's young and upcoming voters is a major part of the CFB's mandate. The CFB has worked with partner organizations and other city agencies to conduct civic engagement workshops for students and develop youth engagement programs such as the Youth Poet Laureate (YPL) program, which is now in its ninth year.

Developed in partnership with Urban Word NYC, the YPL program promotes voting and civic engagement through creative self-expression in the form of a spoken word poetry competition. The winner receives a book deal and a platform to advocate for issues they are passionate about. In 2017, the program culminated in a final showcase held in November, where each finalist performed their original poetry. The 2017 – 2018 Youth Poet Laureate, William Lohier, worked with NYC Votes to reach young voters by promoting voting and civic engagement and performing at public events throughout the city.

Another important component of the CFB's youth outreach efforts is Student Voter Registration Day (SVRD), an annual one-day program designed to help New York City students register to vote and educate them about the importance of civic engagement and participation. In 2017, SVRD took place in March. NYC Votes worked with the City Council, the New York Immigration Coalition, and the Department of Education, to bring SVRD to 60 public high schools across the city and registered over 2,000 students.

In order to support voters and boost turnout, New York's legislators must **prioritize voters by passing reforms like early voting, automatic and same-day voter registration**, and more robust voting rights protections.

As important as these efforts are in increasing voter participation, they cannot compensate for New York's outdated election laws and the barriers that they create between voters and the ballot box. In order to support voters and boost turnout, New York's legislators must prioritize voters by passing reforms like early voting, automatic and same-day voter registration, and more robust voting rights protections. For more information about these measures and the CFB's voter engagement efforts, please see the CFB's 2017–2018 Voter Assistance Advisory Annual Report.<sup>27</sup>

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<sup>27</sup> See New York City Campaign Finance Board, Voter Assistance 2017–2018 Annual Report, available at <http://www.nyccfb.info/pdf/VAAC-2018.pdf>.

# INNOVATIONS AND IMPROVEMENTS TO THE CANDIDATE EXPERIENCE

## C-SMART

In order to help candidates track, record, and disclose their campaign finance data, the CFB provides every CFB-registered campaign with access to C-SMART, our financial reporting platform. Prior to the election year, an improved C-SMART interface and system was launched in order to make the program more user-friendly, stable, and secure. The website was given a sleek new layout, and the homepage was changed to display additional campaign-related data and information.

As a result of these and other upgrades, which were based on feedback from the 2013 election cycle, the disclosure submission process for campaigns was far more streamlined, and we continued to add and improve on these features throughout the 2017 election cycle. For example, users were able to upload documentation for monetary contributions, such as copies of contribution cards and checks, directly into C-SMART both in batches and individually. Later in the election year, we implemented documentation upload features for more complex transactions such as advances, loans, and bank records (e.g., bank statements and deposit slips). In 2018, upload capabilities for expenditure documentation were added. Additionally, C-SMART users were able to upload credit card contributions made through NYC Votes Contribute (discussed below) and accompanying backup documentation directly into C-SMART. As a result of ongoing engagement with the New York State Board of Elections (NYS BOE), the system was also made more compatible with state disclosure requirements.<sup>1</sup>

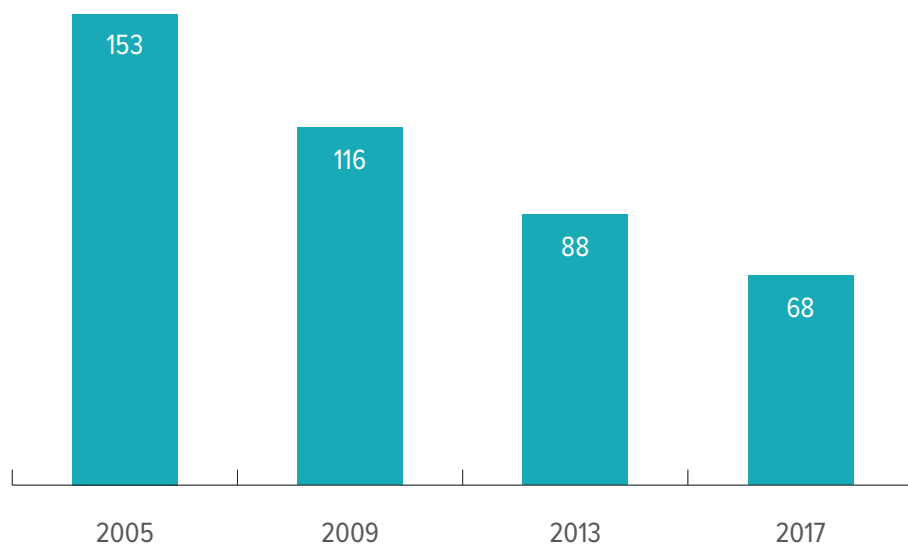
C-SMART continues to be regarded by campaigns as an invaluable financial reporting tool, as indicated in a post-election survey of candidates and their staff. Nearly 90 percent of respondents to the survey said that C-SMART was their primary method of submitting backup documentation such as bank statements and deposit slips, which are essential to accurate financial disclosure. In addition, 85 percent of respondents rated C-SMART as “easy to use” and “reliable,” and this is also reflected in the CFB’s data on submissions. As can be

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<sup>1</sup> N.Y.C. Admin. Code § 3-708(7)(b) requires that C-SMART enable candidates to meet their electronic disclosure obligations under State Election Law.

seen below, the number of late submissions (filings submitted past the deadline) has decreased dramatically since the web version of C-SMART was introduced, dropping to an all-time low this past election cycle.

## DISCLOSURE STATEMENTS FILED LATE, ALL CANDIDATES



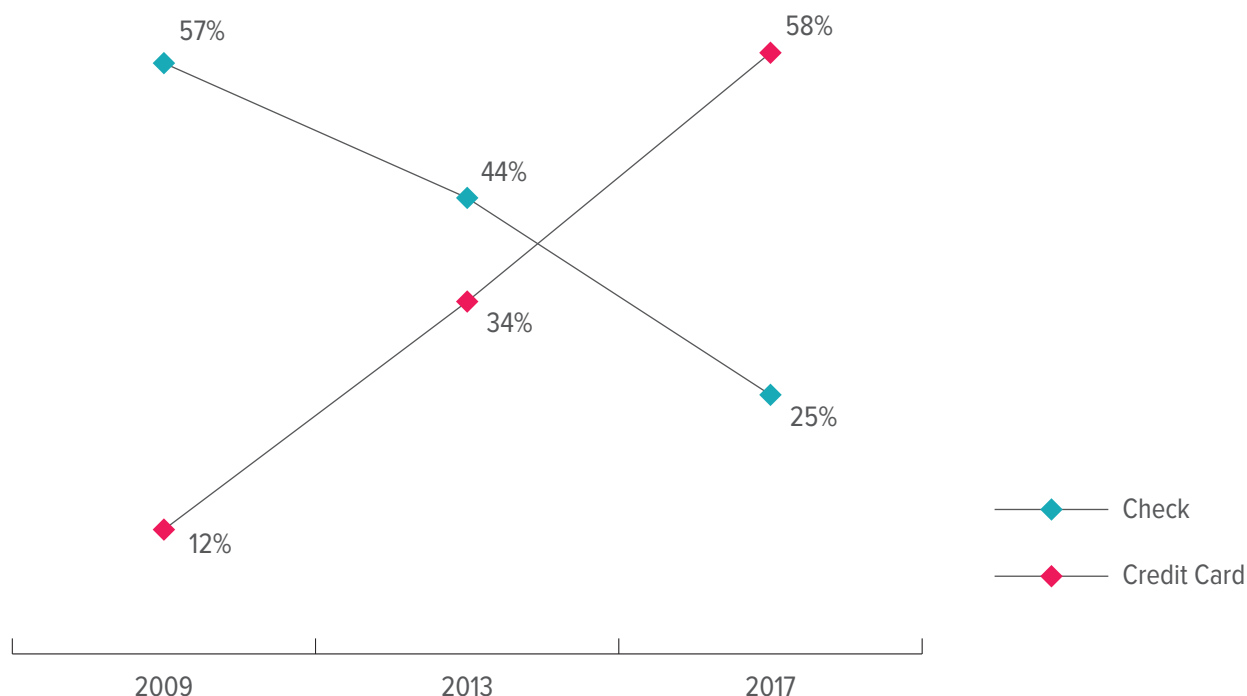
By making it easier for campaigns to document their financial activity, C-SMART helps ensure that the public has access to timely and current reports of this activity. These developments represent a shift towards a more efficient, paperless process that diminishes waste and reduces the amount of time between a campaign's submission and the public availability of their disclosure.

## NYC VOTES CONTRIBUTE

Online fundraising by credit card continues to be an increasingly popular way to solicit and collect contributions. Since the 2005 elections, credit card contributions have been steadily increasing among first-time candidates and incumbents alike. Fundraising online via email and social networks has become an effective way for candidates running for office to collect small-dollar contributions. In New York City's system, it can provide a particularly effective way to help candidates qualify for public matching funds.

For these contributions to be matchable under the matching funds program, however, campaigns need to ensure that their credit card processors and platforms comply with the CFB's reporting and documentation requirements. Setting up a credit card platform that meets these requirements has long been a cumbersome process that could in some cases jeopardize a campaign's eligibility for matching funds.

## MATCHABLE CONTRIBUTIONS TO PARTICIPATING CANDIDATES BY INSTRUMENT TYPE (#) AS PERCENTAGE OF ALL CONTRIBUTIONS



NYC Votes Contribute was created out of the need for a credit card platform that is compliant with the CFB’s standards for credit card processing, especially for candidates striving to qualify for public funds. Contribute is exclusively available to CFB-registered candidates and is the only credit card platform offered to candidates as a public good. It was built to help campaigns collect credit card contributions and qualify for public funds while meeting CFB requirements.

The platform was first launched during the 2013 election cycle as a mobile-optimized website. 33 campaigns opened accounts, and six campaigns used the site to raise contributions. In early 2016, Contribute re-launched at [www.nycvotes.org](http://www.nycvotes.org), to be fully accessible via desktops, tablets, and smartphones, in order to allow for easier and more widespread use. To introduce campaigns to Contribute, the CFB promoted the platform by email, conducted orientations, and created guidance materials. Candidates were able to sign up for Contribute immediately after registering with CFB. Based on feedback from campaigns after the 2013 election cycle and during the 2017 election cycle, Contribute was further developed to enable users to embed the platform on their websites, share a direct link to their page through social media, upload contribution data and documentation directly from Contribute to C-SMART, and customize contribution amounts to meet their fundraising needs. These developments have made Contribute a more robust fundraising platform that allows campaigns to collect more potentially matchable credit card contributions.

The growing number of credit card contributions was evident during the 2017 elections and was reflected in how many campaigns used Contribute. During the election cycle, 202 candidates received contributions through Contribute, making it by far the most widely-used credit card contribution platform among campaigns for city office in 2017. Furthermore, 86 percent of all public funds recipients used Contribute, and campaigns raised an average of \$21,764 through the platform over an average of 136 contributions. In total, there were 27,438 contributions collected through NYC Votes Contribute during the 2017 election cycle, totaling \$4,396,375. The average amount of a contribution collected through NYC Votes Contribute was \$160.

Contribute was a popular tool at fundraising events and on campaign websites, and many campaigns also shared the contribution link with their supporters by email and social media. When making a contribution, supporters are prompted to provide the specific information required by the CFB for recordkeeping, documentation, and disclosure. Contributors receive an email confirmation after they contribute, and they can also create a contributor account that will save their contact and credit card information for future contributions.

The widespread use of Contribute throughout the 2017 election cycle was a learning opportunity on all ends, especially for the CFB. The CFB routinely evaluates its platforms and solicits feedback from campaigns to improve functionality, and the feedback received after the 2017 elections was very positive and encouraging. Over 86 percent of respondents to a post-election survey of campaigns said that Contribute is “easy to use” and “convenient,” and over 88 percent said that they would recommend Contribute to other campaigns.

## CANDIDATE SERVICES AND TRAININGS

The CFB’s Candidate Guidance and Policy (CGP) team is the customer service hub for candidates running for New York City office. From the moment a campaign registers with the CFB until its completion of the post-election process, every campaign receives personalized guidance from their Candidate Services liaison, as well as the opportunity to attend in-depth classes on compliance requirements and C-SMART.

The CFB’s trainings aim to help campaigns comply with the laws and rules that govern campaigns in New York City, including how to disclose financial activity and navigate the post-election audit process. Candidates who join the matching funds program are required to attend both a *Compliance* training session and a *C-SMART* training. *Compliance* is a training on the disclosure, recordkeeping, financial, and other requirements involved in being a candidate for New York City office. The *C-SMART* training teaches attendees how to use C-SMART to report and keep track of their campaigns’ financial activity and how to submit disclosure statements.

Based on feedback given by campaigns after the last citywide election, CGP set out to expand its outreach to prospective and first-time candidates by creating a training that provides a broad overview of the expectations and demands of running for office under New York City’s campaign finance regulations. The *New to the CFB* training gives candidates a framework to help contextualize the two mandatory trainings and better understand how compliance will impact their campaign. Below is a breakdown of how many attendees there were at each training during the 2017 election cycle.

TRAINING ATTENDEES FOR 2017 ELECTIONS		
TRAINING	NUMBER OF ATTENDEES	NUMBER OF CLASSES
COMPLIANCE	741	98
C-SMART	709	98
NEW TO THE CFB	246	30

The high number of *New to the CFB* attendees suggests that the expanded support to first-time candidates was well-received. In fact, more sessions were added in 2016 due to increased demand following the presidential elections. 81 campaigns registered with the CFB after having someone from their campaign team attend the *New to the CFB* training, and over 90 percent of attendees said in a post-election survey that attending the training helped prepare them for the demands of running for office.

Because of the popularity of *New to the CFB*, parts of the presentation were included in a web series so that campaigns could access the content online. Content on topics such as statement reviews, compliance visits, and how to file disclosure statements was also created and circulated online in advance of the 2017 election cycle in order to increase access to CFB guidance.

In the post-election survey from the 2013 elections, campaigns requested more one-on-one time with their Candidate Services liaisons. Because of that, the CFB launched the candidate consultation program in 2015, which gives campaigns an opportunity to have an organized dialogue on specific compliance matters, such as addressing common disclosure errors and understanding basic recordkeeping, reporting, and compliance requirements. The program was also designed to facilitate further communication between CFB and campaign staff and encourage candidates to maximize their use of CFB resources.





# LEGISLATIVE CHANGES AND NEW RULES

## LEGISLATIVE CHANGES

In 2014, the City Council enacted Local Laws 40 and 41, which required “paid for by” notices on campaign-related communications made by candidates and expanded disclosure of information regarding individuals and entities that contribute to independent spenders (see Chapter 4, Independent Expenditures). The Council also enacted Local Law 43 of 2014, which provided that, for any election in a district in which there are no contested elections for covered offices and where there has been no administrative action or court determination to include a ballot proposal or referendum at least 60 days prior to the election, the CFB will not publish its Voter Guide, but will instead make information regarding any proposal or referendum that is to be included on the ballot available on the agency’s website.

On December 22, 2016, the City Council passed a series of bills to amend the Campaign Finance Act. Among them were Local Law 166, which set contribution limits for Transition and Inauguration Entities (TIEs) to be equivalent to those for campaigns and clarified that elected candidates may donate an unlimited amount to their TIEs while also receiving donations from others; Local Law 167, which eliminated matching funds for contributions bundled by people doing business with the city; (see Chapter 3, Doing Business Contributions) Local Law 168, which provided for early public funds payments; Local Law 171, which prohibited contributions from unregistered political committees to Program non-participants; Local Law 183, which established timeframes for certain components of the CFB enforcement process; Local Law 188, which prohibited the CFB from requiring contribution cards except where specified in the law; and Local Law 190, which provided that expenditures of non-public funds to assist public officers in the performance of their duties are presumed to be campaign-related.

## NEW RULES

On December 11, 2014, the Board voted to adopt a set of rules related to text message contributions in order to implement Local Law 116 of 2013, which provided for such contributions to be permissible and eligible to be matched with public funds. Following the enormous success of text-message fundraising efforts by the Red Cross to collect donations for disaster relief after the earthquake in Haiti and the tsunami in Japan, presidential campaigns in 2012 began exploring using text messaging as a tool to raise small-dollar contributions of their own. The Federal Election Commission (FEC), in a series of advisory opinions, permitted text message contributions for federal candidates in the summer of 2012,<sup>1</sup> and the nominees of both major parties utilized SMS technology to raise contributions that fall.<sup>2</sup> The same year, the state of Maryland also adopted rules to allow candidates to raise funds via text message.<sup>3</sup>

Local Law 116 of 2013 sought to enable campaigns for New York City office to use this emerging technology as a way to further encourage candidates to raise small-dollar contributions and take full advantage of the matching funds program. In considering the rules needed to implement the law, the Board received approving comments from FEC Vice Chair Ann Ravel and Commissioner Ellen Weintraub.<sup>4</sup> However, despite the passage of this law, no candidate used SMS technology to raise funds in the 2017 election cycle. High transaction-processing fees to wireless carriers, as well as the rapidly-improving ease of raising funds via Internet-connected smartphones, combined to make online credit-card fundraising a more practical choice for city candidates. For more information on the growth of credit card contributions, see Chapter 6, Innovations and Improvements to the Candidate Experience.

On August 13, 2015, the Board voted to adopt amendments to two of its rules. Board Rule 3-03 was amended to require that disclosure statements be accompanied by all of the campaign committee's bank records and deposit slips not previously submitted, and to provide that statement submissions may be rejected if not accompanied by such records. Board Rule 5-01(f) was amended to clarify the bases upon which the Board may determine that a candidate is ineligible to receive public funds.

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1 Dave Levinthal, "FEC: OK to fundraise via text," *POLITICO*, June 11, 2012, <https://www.politico.com/story/2012/06/fec-campaigns-can-raise-money-via-text-message-077302>.

2 Aline Selyukh, "Romney joins Obama in taking text message donations," *Reuters*, August 31, 2012, <https://uk.reuters.com/article/us-usa-campaign-money-text/romney-campaign-starts-accepting-political-donations-by-text-idUKBRE87U0UV20120831>.

3 Ann Ravel, Jared Demarinis, and Hyla Wagner, "Txt 4 Ur Candidate," *The New York Times*, May 31, 2012, <https://campaignstops.blogs.nytimes.com/2012/05/31/text-donations-to-2012/>.

4 See Testimony from Hearing on the CFB's Proposed Rules for Text Message Contributions, November 24, 2014, <http://www.nycfb.info/media/testimony/testimony-hearing-cfbs-proposed-rules-text-message-contributions>.

On November 17, 2016, the Board voted to adopt several amendments to its rules in order to clarify certain provisions, enact substantive policy changes to enable more effective enforcement of the Act, and minimize the administrative burdens faced by campaigns. Among other things, the amendments eliminated the requirement that campaigns maintain a unique merchant account for accepting credit card contributions, reduced the effect on public funds payments of making certain types of expenditures not directly in furtherance of the current campaign, streamlined the affirmation statements for contribution cards, clarified the application of the expenditure limits, and reduced the administrative burdens faced by small campaigns.

On June 15, 2017, the Board voted to adopt several amendments to its rules in accordance with the amendments made to the Act in December 2016. These amendments concerned timing of deposits of cash contributions, restrictions on return of contributions, transfers of funds received for other elections, rescission of certification, contributions made and intermediated by individuals doing business with the City, contribution documentation, proof of compliance with the Conflicts of Interest Board, and public funds payments in special elections.

On December 14, 2017, the Board voted to adopt several amendments to its rules in order to conform to Local Law 168 of 2016, providing for early public funds payments, which took effect on January 1, 2018. Previously, the first public funds payment for a primary election was issued after the Board of Elections concluded its hearings on petition challenges. Pursuant to Local Law 168, a limited early payment may be issued four business days after the final day to file a Certification for that election.



# UPDATES TO THE AUDIT PROCESS FOR 2017

The goal of the audit process is to help campaigns remain in compliance and, if they are eligible, receive matching funds. Enforcement of the Act and Rules helps bolster confidence for both the public and candidates that all campaigns and spenders are in compliance with the rules. This prevents candidates from gaining an unfair advantage over their opponents, helps safeguard taxpayer dollars, and ensures that oversight is consistent. With reviews and findings sent after each of the 16 total disclosure statements, the CFB's audit process provides campaigns with multiple opportunities to resolve any findings of noncompliance.

To improve audit procedures for the 2017 election cycle, the CFB incorporated feedback and suggestions from the 2013 election cycle into the way it conducts its audits and the content and format of the initial documentation requests (IDRs) and draft audit reports (DARs). These recommendations were to simplify the language used and make the language consistent across the IDR and DAR.

In 2017, the CFB introduced the Preliminary Analysis, which is sent to campaigns approximately a month before the first payment dates. This Preliminary Analysis offers campaigns a snapshot of their payment eligibility status and gives them notice of findings that could prevent the receipt of public funds. This gives campaigns an additional opportunity to correct any issues.

In accordance with a new rule that went into effect for the 2017 elections, campaigns were required to submit bank and merchant account statements and deposit slips with each disclosure statement.<sup>1</sup> In 2013, campaigns may have received only one pre-election notice of disclosure issues stemming from their bank reconciliation. Instituting earlier and more frequent bank reconciliations gave campaigns an opportunity to receive a real-time assessment of their financial discrepancies and possible findings, as well as gather and present required documentation ahead of time. It also improved the quality of the Board's public disclosure.

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<sup>1</sup> See Board Rule 3-03(f).

In previous election cycles, the CFB's audit team has sent out an IDR, which is a general request for all documents to campaigns after the election. The CFB revisited this step of the process to make it more clear and comprehensive. Starting with the special elections after the 2013 election cycle, the CFB sent a more detailed and precise IDR requesting more documentation up front and giving campaigns an additional opportunity to make necessary amendments to their disclosure statements. This allowed campaigns to resolve issues that would previously have been first identified in the DAR. As a result, there are fewer findings in the DAR than in previous years, and auditors are able to give more precise recommendations for how to fix those findings.

Finally, the CFB has taken a number of steps to improve the timeliness of the post-election audit process. To determine what audit measures were needed for each campaign, the CFB developed an approach based on an analysis of campaign activity. This approach significantly reduced the number of audits needed, especially in comparison with the 2013 election cycle. For this reason, the CFB was able to send the first DARs from the 2017 election cycle out to campaigns in April of 2018, whereas the first 2013 election cycle DARs were not sent until mid-August of 2014.

COMPARISON OF 2013 AND 2017 ELECTION CYCLE AUDIT PROGRESS		
	2013 ELECTION CYCLE	2017 ELECTION CYCLE
NUMBER OF CAMPAIGNS*	249	224
CAMPAIGNS RECEIVING AUDITS	209	191
INITIAL DOCUMENTATION REQUESTS (IDRS) SENT	208/209 (99.5%) <sup>†</sup>	112/112 <sup>‡</sup> (100%) <sup>§</sup>
DRAFT AUDIT REPORTS (DARS) SENT	0/209 (0.0%) <sup>†</sup>	86/191 (45.0%) <sup>§</sup>
<p>* Does not include terminated campaigns.</p> <p><sup>†</sup> As of June 30, 2014.</p> <p><sup>‡</sup> Collecting bank records and other documents from campaigns before the election allowed CFB auditors to send IDRs to fewer campaigns in the post-election period.</p> <p><sup>§</sup> As of June 30, 2018.</p>		

While pre- and post-election audits typically uncover many violations of the Act and Rules, CFB staff can also learn of potential violations through complaints received from the public and opposing campaigns. All formal complaints that are submitted in accordance with the CFB's requirements<sup>1</sup> (including providing information about an alleged violation of the Act or Rules) are investigated. Complaints that do not meet the submission criteria — also known as “informal complaints” — may also be investigated, but they are not subject to the same procedural requirements as formal complaints. Complaints of alleged wrongdoing falling outside the CFB's jurisdiction may be referred to the appropriate investigative body.

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

During the 2017 election cycle, the Board received a total of 53 complaints (25 formal and 28 informal) alleging a variety of violations. In total, 29 of 53 complaints have been resolved. 30 complaints (25 formal and five informal) were sent to the campaigns that were the subject of the complaints for response. Of these, two of the formal complaints have been dismissed by the Board, two of the informal complaints were resolved following remedial action by the campaign, and two informal complaints concerned matters outside of the CFB's jurisdiction. The other 23 informal complaints were dismissed by CFB staff as moot, without merit, and/or outside of the CFB's jurisdiction. However, remedial action that results 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.

The remaining complaints have not been formally resolved, and these may be investigated further during the post-election audit period. Formal complaints are only fully closed once they have been reviewed and voted on by the Board, and this process can occur well after the election.

As in past elections, in many cases the complainant was a candidate or an individual known to be affiliated with a campaign. While most of the complaints received in 2017 appeared to have been filed in good faith, others may have been conceived as campaign tactics. One campaign, for instance, filed multiple formal complaints against a single opponent, often including allegations that fell outside the jurisdiction of the CFB. Nonetheless, the CFB considers complaints to be an important source of information about potential violations, and will consider the merits of all complaints.

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<sup>1</sup> See Board Rule 7-01.





# LEGISLATIVE RECOMMENDATIONS

As our analysis in this report shows, the Program decreases candidates' reliance on big-money contributions, and it has helped develop a broad, diverse base of small-dollar contributors in every neighborhood, in every borough.

The Program was created as a response to a massive City Hall scandal that shook New Yorkers' faith in their government. The founding text of the Program, Local Law 8 of 1988, reflects this idea clearly in its declaration of intent:

"Both the possibility of privilege and favoritism and the appearance of impropriety harm the effective functioning of government...whether or not the reliance of candidates on large private campaign contributions actually results in corruption or improper influence, it...creates the appearance of such abuses and thereby gives rise to citizen apathy and cynicism."

Following the 2013 election, a series of investigations and press accounts raising questions about favors and access granted to campaign bundlers has demonstrated how public perceptions about the relationships between candidates and their big-dollar campaign contributors can impact New Yorkers' view of their government.<sup>1</sup> In response, members of City Council, civic advocates, and the mayor have argued for a broader,

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<sup>1</sup> Greg B. Smith, "Lobbyist who steered \$50,000 to Mayor de Blasio turned Lower East Side nursing home into luxury condos," *Daily News*, March 26, 2016, <http://www.nydailynews.com/news/politics/de-blasio-lobbyist-helped-turn-nursing-home-condos-article-1.2578230>; Courtney Gross, "Mayor Defends Relationship with Lobbyist, Fundraiser at Center of Rivington House Scandal," *NY1 News*, August 30, 2016, <http://www.ny1.com/nyc/all-boroughs/politics/2016/08/30/mayor-defends-relationship-with-lobbyist-fundraiser-at-center-of-rivington-house-scandal.html>; Kaja Whitehouse, "De Blasio donor's shocking testimony: \$100K bought me the mayor," *New York Post*, October 26, 2017, <https://nypost.com/2017/10/26/de-blasio-donors-shocking-testimony-100k-bought-me-the-mayor/>; William Neuman, "De Blasio Says Donor Who Claimed Money Bought Access Is a 'Liar,'" *The New York Times*, October 28, 2017, <https://www.nytimes.com/2017/10/28/nyregion/de-blasio-donor-liar.html>; William Neuman and J. David Goodman, "The Mayor Sought Money, a Donor Sought Access: Both Said 'Yes,'" *The New York Times*, November 2, 2017, <https://www.nytimes.com/2017/11/02/nyregion/de-blasio-rechnitz-donor-nyc.html>; William Neuman and William K. Rashbaum, "2 Donors Plead Guilty, but the Mayor Is Not Charged. Why?" *The New York Times*, January 26, 2018, <https://www.nytimes.com/2018/01/26/nyregion/2-donors-plead-guilty-but-the-mayor-is-not-charged-why.html>; Lorena Mongelli and Bruce Golding, "Star witness: I funneled illegal campaign cash to de Blasio," *New York Post*, March 26, 2018, <https://nypost.com/2018/03/26/star-witness-i-funneled-illegal-campaign-cash-to-de-blasio/>; Jillian Jorgensen and Andrew Keshner, "De Blasio booster says city promised help with restaurant costs after free events," *Daily News*, March 27, 2018, <http://www.nydailynews.com/new-york/de-blasio-booster-city-promised-restaurant-costs-article-1.3899898>; Brian M. Rosenthal, "De Blasio Aides Set Up Meetings to Help Donor With Lease, Emails Show," *The New York Times*, April 4, 2018, <https://www.nytimes.com/2018/04/04/nyregion/de-blasio-harendra-singh-emails.html>.

more expansive matching funds system that enables candidates to better assemble robust, competitive campaigns built wholly on small-dollar contributions, and further limits the need to depend on large-dollar contributors in order to compete.

This citywide conversation around reform is an opportunity for the CFB to define a vision for the Program's next decade and beyond, especially given the fact that there will be an historic, wide-open city election in 2021.

To decrease candidates' reliance on large, private contributions and increase the impact of New Yorkers' small-dollar contributions to candidates, the Board recommends an initial set of interrelated measures to enhance the Program and further make the full benefits of participation more accessible to all candidates:

- ◆ Take big money out of the system by **lowering the contribution limit**
- ◆ Boost the incentives for small-dollar fundraising by **increasing the matching formula**
- ◆ Provide access to more public matching funds by **increasing the public funds cap**
- ◆ Give more candidates a voice by **lowering the thresholds for citywide candidates**
- ◆ Enhance equity in the system by **lowering the minimum threshold contribution to \$5**

Together, these measures will reduce the amount of private funds in the system, and allow participating candidates to get their message out to the voters with a combination of small-dollar contributions from New Yorkers and the accompanying matching funds.<sup>2</sup>

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<sup>2</sup> In April 2018, a Charter Revision Commission appointed by Mayor Bill de Blasio began meetings to discuss proposals to strengthen democracy in New York City, including further reforms to the city's campaign finance system. At the time this report went to print in August 2018, the Commission had yet to present its final proposals to the public.

## **RECOMMENDATION #1: LOWER THE CONTRIBUTION LIMITS TO \$2,250 FOR MAYOR, PUBLIC ADVOCATE, AND COMPTROLLER; \$1,750 FOR BOROUGH PRESIDENT; \$1,250 FOR CITY COUNCIL**

Lowering contribution limits across the board will help small-dollar contributors play an even larger role in city campaigns.

It is true across elections that the vast majority of contributions to city candidates come from small-dollar contributors — in the 2017 cycle, only 5 percent of all contributions to participating candidates for mayor were larger than \$2,250.

Yet these contributions represent the majority of candidates' fundraising — for the 2017 election, those 5 percent of contributions represented 59 percent of the total funds raised by participating mayoral candidates.

The demands of conducting a competitive campaign for citywide office in New York City lead many candidates to rely more heavily on the largest donors. Michael Malbin of the Campaign Finance Institute suggests that the Program has been successful at increasing the “number, proportional importance, and diversity of small donors to City Council candidates,” but also noted that the Program does not achieve the same results in citywide races:

*“Mayors are more powerful and more visible than individual City Council members. Their decisions are more consequential for potential large donors, who therefore feel more of a stake in the election results and are more willing to give.”<sup>3</sup>*

While Council candidates are somewhat less reliant on large-dollar contributions, they still play a substantial role; contributions larger than \$1,250 accounted for only 2 percent of all contributions, but comprised 32 percent of the funds raised by participating Council candidates.

In both cases, with a lower contribution limit, small-dollar fundraising will represent a greater portion of candidates' campaign funds.

To shift the emphasis away from large-dollar contributors, the Board proposes lowering the contribution limit. For citywide candidates, the current \$5,100 limit would be lowered by more than half, to \$2,250 — an amount equivalent to the maximum matchable contribution along with the associated public funds under the increased matching rate proposed below. Contribution limits for the other offices would be lowered by similar proportions.

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<sup>3</sup> Malbin, Michael and Michael Parrott, “Small Donor Empowerment Depends on the Details: Comparing Matching Fund Programs in New York and Los Angeles,” *The Forum*, p. 240–41, Attached to Professor Malbin's testimony to the Board's post-election hearing, January 28, 2018, [https://www.nycfb.info/pdf/EC2017\\_Michael\\_Malbin\\_Testimony.pdf](https://www.nycfb.info/pdf/EC2017_Michael_Malbin_Testimony.pdf).

## RECOMMENDATION #2: INCREASE THE MATCHING FORMULA FOR MAYOR, PUBLIC ADVOCATE, AND COMPTROLLER TO \$8-TO-\$1 FOR THE FIRST \$250 FROM NYC RESIDENTS

If the recommendation to lower the contribution limits is adopted, increasing the value of small-dollar contributions will further boost the incentive for candidates running for citywide office to focus their time and energy on seeking small-dollar contributors. While a lower contribution limit will remove big money from the system, an increased formula will replace those large-dollar contributions with matching funds.

As noted, candidates for mayor and other citywide offices are more reliant on large contributors than candidates for City Council.

For instance, during the past three citywide elections (2009-17), the median payment to candidates for City Council equaled 53 percent of the spending limit for Council campaigns (just short of the 55 percent cap payment on matching funds payments). For comparison, the median public funds payment to candidates for mayor over the same period amounted to just 28 percent of the expenditure limit.

A boost in the matching rate (from 6:1 to 8:1) and a modest increase in the matching amount (from \$175 to \$250) for citywide campaigns will provide an even more powerful incentive for small-dollar fundraising, provide matching funds to replace large-dollar donations displaced by the lower contribution limit, and create a balance between public and private funds that looks more like the balance for Council campaigns.

Combined with the lower contribution limit, the proposed formula would significantly increase the impact of small-dollar contributions relative to the largest contributions (see table).

	A SINGLE \$100 CONTRIBUTION <sup>4</sup> (+ MATCHING FUNDS)	A MAXIMUM CONTRIBUTION	RATIO (MAX CONTRIBUTION/ \$100 CONTRIBUTION)
CURRENT \$6:\$1 FORMULA, CONTRIBUTION LIMIT	\$100 + \$600 = <b>\$700</b>	<b>\$4,950</b>	<b>7.3</b>
PROPOSED \$8:\$1 FORMULA, LOWER CONTRIBUTION LIMIT	\$100 + \$800 = <b>\$900</b>	<b>\$2,250</b>	<b>2.5</b>

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<sup>4</sup> \$100 is generally the most frequent contribution size to candidates for most offices—though the most frequent contribution size to 2017 mayoral candidates was \$10.

### RECOMMENDATION #3: INCREASE THE PUBLIC FUNDS CAP TO 65 PERCENT OF THE SPENDING LIMIT

Increasing the cap on public funds payments will further encourage candidates to rely on small-dollar contributions and public matching funds.

The public funds ceiling was last increased nearly 20 years ago. Prior to Local Law 48 of 1998 (LL48), public funds payments were capped at 50 percent of the spending limit — except for payments to candidates for City Council, which were capped at \$40,000, about a third of the spending limit. LL48 transformed the Program and created the multiple-match framework we use today: it effectively increased the matching rate to 4:1, lowered contribution limits across the board, and set the public funds cap to the current 55 percent of the spending limit for all offices.<sup>5</sup>

	2021 EXPENDITURE LIMIT	CURRENT PUBLIC FUNDS CAP	PROPOSED PUBLIC FUNDS CAP
MAYOR	\$7,286,000	\$4,007,300	\$4,735,900
PUBLIC ADVOCATE	\$4,555,000	\$2,505,250	\$2,960,750
COMPTROLLER	\$4,555,000	\$2,505,250	\$2,960,750
BOROUGH PRESIDENT	\$1,640,000	\$902,000	\$1,066,000
COUNCIL	\$190,000	\$104,500	\$123,500

A modest increase in the public funds cap, to 65 percent, is a necessary component of the plan to increase small-dollar fundraising and limit the largest contributions. It would decrease candidates' reliance on private funding and further empower candidates who rely on small-dollar fundraising.

The Campaign Finance Act requires that a majority of public funds is paid to candidates only after the ballot is set, approximately 35 days before the election.<sup>6</sup> However, an analysis of expenditure timing during the more competitive 2013 election cycle shows that candidates for mayor and City Council spent 28 percent and 29 percent of their overall spending, respectively, in advance of the first payment date. A modest increase in the public funds cap, to 65 percent of the spending limit, would maintain flexibility for candidates to raise and spend private funds in advance of the mandated payment dates, which come very late in the election cycle.

Together with the lower contribution limit and increased matching formula, an increase in the public funds payment cap will help create a more inclusive, effective Program for all candidates.

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<sup>5</sup> See Testimony of Amy Loprest to the New York City Council Committee on Governmental Operations, April 27, 2017, <http://www.nycclf.info/media/testimony/testimony-of-amy-loprest-to-the-city-council-committee-on-governmental-operations>.

<sup>6</sup> Local Law 168 of 2016 amended the Act to provide for a single, small payment to candidates no later than four business days after the deadline to certify as a participant in the Program, which is June 10 in a regular election year.

## RECOMMENDATION #4: LOWER THRESHOLDS FOR CITYWIDE CANDIDATES

Making it easier to qualify for public funds will empower more small-dollar fundraisers to run viable, competitive campaigns for citywide office.

Candidates who qualify for public funds are provided with a baseline amount of resources to communicate with voters and get their message out. To qualify for public funds, candidates must meet a two-part fundraising threshold. Currently, the threshold for mayor is \$250,000 in matching claims, with 1,000 contributors of at least \$10. Candidates for public advocate and comptroller must raise \$125,000, with 500 contributors of at least \$10.

Cutting the thresholds to \$125,000 and \$75,000 will give more viable candidates a voice, and the ability to qualify for matching funds earlier.

To maintain the rigor of this lower threshold and help encourage candidates for citywide office to reach out to New Yorkers across the city, the Board proposes a new geographic requirement for citywide offices: in addition to meeting the two-part threshold, candidates for any citywide office must collect at least 50 contributions in each borough to qualify for payment.

## RECOMMENDATION #5: LOWER THE MINIMUM CONTRIBUTION COUNTED TOWARDS THRESHOLD TO \$5

Another way to increase equity in the matching funds program and lower barriers to participation, especially for candidates in neighborhoods with less wealth, is to count contributions as low as \$5 towards the threshold to qualify for payment. Under the Act, only contributions of \$10 or more from New York City residents count towards the qualification threshold.<sup>7</sup> A lower minimum contribution will allow more New Yorkers to help their favored candidates qualify for matching funds.

Cutting the thresholds  
will **give more**  
**viable candidates**  
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ability to qualify  
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funds earlier.

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<sup>7</sup> See N.Y.C. Admin. Code § 3-703(2)(a).

In order to enhance candidates' participation in the Program, better ensure that the administration of the Program is efficient and fair, and help provide more effective oversight of the public's investment in the political process, the Board makes the following recommendations.

## **RECOMMENDATION #6: EXTEND SPENDING LIMIT RELIEF TO CANDIDATES FACING INDEPENDENT SPENDERS**

To ensure that candidates who face the threat of independent spending continue to participate in the Program, candidates should be able to access funds that will help them respond when they are opposed by outside spenders. Accordingly, the Act should be amended to increase the spending limit for all participating candidates in an election with significant independent expenditures (IEs).

Currently, the Act provides expenditure limit relief for participating candidates who face high-spending non-participants;<sup>8</sup> this proposal would provide expenditure limit relief using the same thresholds, according to two tiers:

1. When IEs equal **50 percent** of the expenditure limit in a particular election, the expenditure limit for all candidates in that election would increase by **50 percent**.
2. When IEs equal **300 percent** of the expenditure limit in a particular election, the expenditure limit for all candidates in that election **would be lifted completely**.

To measure the IEs in a particular election for purposes of the threshold, the CFB would total the amount of IEs spent in support of each candidate and in opposition to all other candidates; the highest such total would be used to determine whether expenditure limit relief should be applied.

For example, during the 2013 election cycle, in Council District 11, independent spenders reported \$187,738 of expenditures *supporting* Andrew Cohen, and \$46,176 of expenditures *opposing* Cliff Stanton. To determine whether expenditure relief would be applied in that race, we would add \$187,738 + \$46,176 to arrive at \$233,914. If this proposal had been in effect, we would have granted "Tier 1" relief, increasing the expenditure limit by 50 percent for both candidates.

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<sup>8</sup> See N.Y.C. Admin. Code § 3-706(3).

**PROPOSED EXPENDITURE LIMIT RELIEF FOR  
PARTICIPATING CANDIDATES FACING  
INDEPENDENT EXPENDITURES (UNDER 2021 LIMITS)**

<b>TIER 1 (50%)</b>	<b>IE TOTAL</b>	<b>ORIGINAL EXPENDITURE LIMIT</b>	<b>NEW EXPENDITURE LIMIT (150%)</b>
Mayor	\$3,643,000	\$7,286,000	\$10,929,000
Public Advocate and Comptroller	\$2,277,500	\$4,555,000	\$6,832,500
Borough President	\$820,000	\$1,640,000	\$2,460,000
City Council	\$95,000	\$190,000	\$285,000
<b>TIER 2 (300%)</b>	<b>IE TOTAL</b>	<b>ORIGINAL EXPENDITURE LIMIT</b>	<b>NEW EXPENDITURE LIMIT</b>
Mayor	\$21,858,000	\$7,286,000	No limit
Public Advocate and Comptroller	\$13,665,000	\$4,555,000	No limit
Borough President	\$4,920,000	\$1,640,000	No limit
City Council	\$570,000	\$190,000	No limit

New York courts have upheld expenditure limit relief for participating candidates based on spending by non-participants, which implies that relief that is applied to all candidates in the race would not present a First Amendment burden to the high-spending candidate. In April 2013, a U.S. District Court rejected a challenge to the Act's expenditure limit relief for participants facing high-spending non-participants.<sup>9</sup>

Other jurisdictions with similar matching funds programs that provide relief based on outside spending include Oakland, Los Angeles, and San Francisco.

<sup>9</sup> *Ognibene v. Parkes*, 2013 WL 1348462 (S.D.N.Y., Apr. 4, 2013).



## **RECOMMENDATION #7: LIMIT THE ABILITY FOR CANDIDATES TO TRANSFER FUNDS FROM NON-CITY COMMITTEES INTO AN ACCOUNT FOR COVERED OFFICE**

Federal law prohibits the transfer of funds or assets from a non-federal/state or local account into a campaign account for federal office.<sup>10</sup>

Per Local Law 58 of 2004, transfers from non-city accounts are allowed, but limited. Such transfers must be attributed to contributors, and any portion of the contributions that violate the limitations, restrictions, or prohibitions in the City Charter must be excluded. These transfers can require complex accounting for campaigns and CFB staff.

Transfers from a non-CFB committee into an account for covered offices should be treated the same as contributions by a candidate to his or her own campaign, which would limit them to three times the applicable contribution limit. This would limit the ability of candidates to run for city office by using war chests amassed for other offices, and would eliminate the complexity of attributing large transfers to associated contributors.

## **RECOMMENDATION #8: REPEAL REQUIREMENT THAT DEADLINES FOR RESPONSES TO STATEMENT REVIEWS CANNOT COME BEFORE THE NEXT DISCLOSURE REPORT**

Local Law 187 of 2016 set deadlines for the CFB to send statement reviews to candidates (within 30 days of the disclosure filing date) and prohibited the CFB from requiring a response earlier than the subsequent disclosure filing. As a result, candidates must prepare their response to the previous statement review at the same time that they are preparing the disclosure filing. Repealing or easing this requirement will allow the CFB to set a more rational deadline that would help candidates better meet their compliance responsibilities.

## **RECOMMENDATION #9: EXTEND LIABILITY FOR VIOLATIONS TO AGENTS OF INDEPENDENT SPENDERS**

Under the Act and the City Charter, penalties for violations committed by independent spenders are treated differently than those for violations committed by campaigns. Under the Act, the candidate, the principal committee, the treasurer, and “any other agent” of the candidate may be liable for penalties assessed by the Board. The Charter, which sets the requirements for independent expenditures, does not explicitly extend liability to agents of the person or entity responsible for the expenditure.

The Board Rules were changed in 2016 to extend liability for penalties to agents of independent spenders, but Charter authority would provide further clarity on this issue. The Board recommends an amendment to the Charter that establishes liability for violations and penalties to any agent acting on behalf of an independent spender.

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<sup>10</sup> See 11 CFR § 110.3(d).

## **RECOMMENDATION #10: BAR PUBLIC FUNDS PAYMENTS TO CANDIDATES WHO HAVE BEEN CONVICTED OF A FELONY RELATED TO PUBLIC OFFICE**

In the 2017 elections, a participating candidate who received public funds had previously served 21 months in prison for mail fraud for a scheme in which he steered Council discretionary funds to a nonprofit that were used to pay staff members for campaign work.<sup>11</sup> Connecticut's Citizens Election Program bars payments to candidates who have previously been convicted of a felony related to that individual's public office.<sup>12</sup> A similar restriction for New York City's Program would better protect public funds from abuse.

## **RECOMMENDATION #11: MODIFY AND LIMIT THE STATEMENT OF NEED**

In order to limit public funding in races where participants face minimal opposition, public funds payments are capped at 25 percent of the maximum in such races. Under the Act, candidates in primary races and special elections where no incumbent is seeking re-election face no cap.<sup>13</sup> However, participants in other races must demonstrate that they face more than minimal opposition to receive the maximum payable public matching funds.

Participating candidates may demonstrate a need for additional public funds through submission of a Certified Statement of Need and accompanying documentation that demonstrates the existence of at least one of seven conditions: 1) a self-financing nonparticipating opponent, 2) a covered endorsement of an opponent, 3) significant media exposure of an opponent, 4) an opponent's vote percentage from a previous election in the relevant district, 5) an opponent with a similar name, 6) an opponent in a leadership position on a Community Board, and 7) an opponent who has a family member who is/was an office holder in the relevant district.

The CFB's experience from the 2017 elections suggests that the Certified Statement of Need has not substantially achieved its intended purpose to limit the amount of payable matching public funds. With more incumbents on the ballot in 2017, more incumbents chose not to join the Program than in previous cycles, and more of those who participated declined public funds. On the other hand, the Statement of Need is not a meaningful bar to receiving the full match, and serves primarily as an administrative hurdle. The criteria in the

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<sup>11</sup> Michael Gartland and Carl Campanile, "Dems say ex-con Monserrate has real shot to win old Council seat," *New York Post*, July 18, 2017, <https://nypost.com/2017/07/18/dems-say-ex-con-monserrate-has-real-shot-to-win-old-council-seat>.

<sup>12</sup> See State of Connecticut State Elections Enforcement Commission, Declaratory Ruling 2017-01, (June 21, 2017), <http://www.ct.gov/seec/lib/seec/DeclaratoryRuling201701.pdf>.

<sup>13</sup> In interpreting Admin. Code § 3-705(7)(c), a primary election is not for an "open seat" if the incumbent office holder for that particular seat is a candidate on any party line. The concept of an "office" is completely independent of any particular party line—nothing in the Act or Board Rules supports the concept of a "primary specific" incumbency for an office. For example, Admin. Code § 3-702(10) defines a covered election as relating to "the office of mayor, public advocate, comptroller, borough president or member of the City Council." Here the status of the covered office, and by extension the office holder, clearly is independent from the type of election, or party line of the candidate. The Board Rules discussing attributing expenditures and expenditure relief further illustrate this separation. See [Board Rule 1-08\(c\)\(2\)\(i\),\(e\)](#).

law are so broad that meeting them does not necessarily ensure the cited opponent is objectively more than a “minimal” opponent, especially in a world where “mentions” in online media are more common.

During the 2017 campaign, several media outlets focused on the Statement of Need filed by incumbent Mayor Bill de Blasio for the Democratic primary election, which qualified him for a payment of \$2.2 million on the first payment date, August 5, “despite the fact that neither of the other major Democratic candidates — Sal Albanese and Robert Gangi — [had] raised more than \$125,000.”<sup>14</sup> Multiple stories noted that de Blasio’s Statement of Need focused on his opponents’ social media activity, noting that a tweet by Albanese received “95 likes and 38 retweets,”<sup>15</sup> and pointing to Gangi’s Twitter audience of 266 followers.<sup>16</sup>

Giving public funds to candidates who face only nominal opposition undermines public confidence in the Program. To make the Certified Statement of Need more effective at preventing waste, the criteria should be tightened. As such, the Board recommends limiting the criteria to the three conditions outlined below. In order to receive more than 25 percent of the public funds available, a candidate must face an opponent:

1. who has received 25 percent or more of the vote in an election for public office in an area encompassing all or part of the area that is the subject of the current election in the last eight years preceding the election (this covers opposing candidates who are running as incumbents);
2. who has received (i) the endorsement of a citywide or statewide elected official or a federal elected official representing all or a portion of the area covered by the election; (ii) two or more endorsements from other city elected officials who represent all or a part of the area covered by the election; or (iii) endorsements of one or more membership organizations with a membership of over 500 members;<sup>17</sup> or
3. whose spouse, domestic partner, sibling, parent, or child holds or has held elective office in an area encompassing all or part of the area of the covered election in the past ten years.

The Board further recommends streamlining the administration of this requirement by allowing the Board to make determinations of need without requiring candidates to file a statement.

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<sup>14</sup> Brigid Bergin, “Despite Strong Lead, De Blasio Qualifies for Matching Funds,” *WNYC*, August 3, 2018, <https://www.wnyc.org/story/mayor-de-blasio-gets-matching-campaign-funds-city-board/>.

<sup>15</sup> Brendan Cheney, “De Blasio, citing primary competition, requests millions in matching funds,” *POLITICO*, July 31, 2017, <https://www.politico.com/states/new-york/city-hall/story/2017/07/31/de-blasio-requests-1-million-in-matching-funds-for-competitive-primary-113676>.

<sup>16</sup> J. David Goodman, “Mayor de Blasio, Receiving Maximum City Funds, Agrees to Debate,” *The New York Times*, August 3, 2017, <https://www.nytimes.com/2017/08/03/nyregion/mayor-de-blasio-campaign-funds-debate.html>.

<sup>17</sup> Currently, N.Y.C. Admin. Code § 3-705(7)(b)(2)(iii) provides that an endorsement from an organization of 250 members or more is sufficient to meet the criteria; the Board recommends increasing this to 500 members, as it did after the 2013 election.

## **RECOMMENDATION #12: ADD SMALL-DOLLAR CONTRIBUTORS AS AN ALTERNATIVE THRESHOLD FOR DEBATE PARTICIPATION**

The overall experience of this past election suggests that contributions and spending alone are not the optimal way to determine debate participation.

Currently, participating candidates for citywide office who raise and spend 2.5 percent of the spending limit for their office are required to participate in the Debate Program.<sup>18</sup> Additional nonpartisan, objective, non-discriminatory criteria agreed upon by the sponsor and the Board may be applied. Nonparticipating candidates who meet the same criteria may be invited by the debate's media sponsors.<sup>19</sup>

While the Act has long set a financial threshold for debate participation to establish viability, the Board proposes adding an additional small-dollar contribution criterion as an alternative to the existing financial threshold. The Board recommends that the debates include candidates who can meet a lower financial threshold — one percent of the spending limit raised and spent — provided they have raised funds from a minimum number of contributors. Thus, in order to participate in the debates, mayoral candidates would be required to have raised at least 500 contributions of \$5 or more<sup>20</sup> from New York City residents, while candidates for public advocate or comptroller would be required to have raised at least 250 contributions of \$5 or more<sup>21</sup> from New York City residents.

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<sup>18</sup> For 2021, this will be \$182,150 for mayoral candidates, and \$113,875 for public advocate and comptroller.

<sup>19</sup> See N.Y.C. Admin. Code § 3-709.5.

<sup>20</sup> Conditional on Proposal #5, lowering the minimum contribution counted towards threshold to \$5.

<sup>21</sup> For reference, threshold contributions by participating candidates for mayor in the last disclosure statement before the primary election were as follows: Sal Albanese (485); Richard Bashner (114); Bill de Blasio (6,082). Threshold contributions by participating candidates for mayor in the last disclosure statement before the general election were as follows: Sal Albanese (501); Akeem Browder (22); Aaron Commey (3); Bill de Blasio (6,875); Nicole Malliotakis (4,470).

## **RECOMMENDATION #13: REQUIRE LAND-USE APPLICANTS TO BE INCLUDED IN THE DOING BUSINESS DATABASE UPON APPLICATION**

The strict, low limits on contributions from those doing business with city government should provide confidence that such contributions will not impact choices about the use of the city’s finite resources. One of the key categories of city business is land use. Few decisions by city government have such potential to enrich private individuals, and as a result, few decisions by city government are more closely watched.

Of the 47,000 individuals listed in the Doing Business database during the 2017 election cycle, only 437 — less than 1 percent — are seeking land use approvals. Yet individuals seeking these approvals are more likely to make contributions to candidates than people in any other “doing business” category; nearly one in five made a contribution during the 2017 election cycle (see Chapter 3, Doing Business Contributions).

The Act limits contributions from those seeking land use approvals once the City Planning Commission has certified their application.<sup>22</sup> Yet this timeline excludes those who have declared their intent to seek an approval by filing an application, which may happen months or, in some cases, years before certification. Press reports have identified developers who have made maximum contributions in the period between application and certification.<sup>23</sup> The timing of such contributions strongly suggests that they are made with the intent to influence decisions on the pending application. At minimum, there is an appearance that they are made for this purpose, which can undermine public confidence that the doing business provisions are working as intended.

Legislation introduced in the City Council earlier this year<sup>24</sup> would amend the definition of “business dealings with the city” to include Uniform Land Use Review Procedure (ULURP) actions and zoning text amendments from the time of application. The Board supports this proposal.

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<sup>22</sup> See N.Y.C. Admin. Code § 3-702(18)(a).

<sup>23</sup> Rich Bockmann, “Queens group raises red flags over Heskell Group CEO’s donations to elected officials; Opponents say donations violate spirit of the campaign finance law,” *The Real Deal*, June 18, 2018, <https://therealdeal.com/2018/06/18/queens-group-raises-red-flags-over-heskell-group-ceos-donations-to-elected-officials>.

<sup>24</sup> See New York, N.Y. Int. No. 773 of 2018 (Powers).



## POST-ELECTION AUDIT AND ENFORCEMENT SUMMARY OF THE 2013 ELECTION CYCLE

The CFB audits all campaigns for compliance with the requirements of the Campaign Finance Act. After post-election audits following the 2013 elections, 246 candidates received a Final Audit Report or a Final Board Determination.<sup>1</sup> In the 2013 election cycle, the most recent cycle for which the audit process is in its final stages, the majority of campaigns completed the auditing process with no penalties, or penalties of less than \$1,000. 114 out of 246 candidates (46.3 percent) had no penalties. An additional 26 candidates had penalties totaling less than \$1,000. Approximately 57 percent of candidates in 2013 had no penalties or limited penalties. 20 mayoral candidates received a Final Audit Report or Final Board Determination, and out of these, 11 candidates (55 percent) received a penalty. 193 City Council candidates received a Final Audit Report or Final Board Determination, and out of these, 109 candidates (56 percent) received a penalty.

Penalty amounts depend on the severity of the infraction or violation.<sup>2</sup> For example, a candidate might be penalized \$50 for filing a disclosure statement a day late, or \$750 for failing to file a disclosure statement entirely. Some penalty amounts, like failing to demonstrate compliance with reporting requirements for receipts or disbursements, or accepting corporate or over-the-limit contributions, are based on a number of factors. These include the size of the campaign and the size of the variance between the campaign's reporting and its documentation. In most instances, the largest penalty that can be assessed for a single violation is \$10,000.<sup>3</sup> Higher penalties can be assessed for other serious violations.<sup>4</sup> For example, campaigns that exceed the spending limit face higher fines that correspond with the amount of the overage, up to three times the amount spent over the limit.<sup>5</sup>

Candidates facing violations have the opportunity to appear before the Board before a penalty determination is made.<sup>6</sup> Of the 149 campaigns for whom the staff recommended violations and penalties, 46 campaigns made appearances before the Board. 39 of these (85 percent) were able to mitigate one or more penalty.

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1 All data is as of June 19, 2018 and does not include Final Audit Reports released since that date.

2 Penalty guidelines are issued for each election cycle. These guidelines include baseline penalties for each violation, which are then used to determine the amount of the penalty for each violation of the Act and Rules. The penalty guidelines for the 2013 election cycle are posted at <https://www.nycclf.info/law/penalty-guidelines-2013/>.

3 See N.Y.C. Admin. Code § 3-711(1).

4 See N.Y.C. Admin. Code § 3-711(2).

5 See N.Y.C. Admin. Code § 3-711(2)(a).

6 Eight campaigns chose to contest their violations at an OATH hearing instead of going before the Board.

28 campaigns had penalties totaling in excess of \$10,000, up to \$85,355. These campaigns each had some routine violations, but some received a single penalty of \$10,000 or more for serious penalties. These major penalties were either for exceeding the expenditure limit or material misrepresentation and fraud. Single large penalties also resulted from a late response or a failure to respond to documentation requests. Some campaigns accumulated large penalties from multiple incidences of accepting over-the-limit or corporate contributions.

2013 ELECTION CYCLE PENALTY BREAKDOWN—ALL OFFICES		
PENALTY AMOUNT	NUMBER OF CANDIDATES	PERCENT OF CANDIDATES
No penalty	114	46.3%
Between \$1 and \$1,000	26	10.6%
Between \$1,001 and \$5,000	58	23.6%
Between \$5,001 and \$10,000	20	8.1%
Over \$10,000	28	11.4%

2013 ELECTION CYCLE PENALTY BREAKDOWN—CITYWIDE OFFICES		
PENALTY AMOUNT	NUMBER OF CANDIDATES	PERCENT OF CANDIDATES
No penalty	19	51.3%
Between \$1 and \$1,000	1	2.7%
Between \$1,001 and \$5,000	2	5.4%
Between \$5,001 and \$10,000	5	13.5%
Over \$10,000	10	27.0%



2013 ELECTION CYCLE PENALTY BREAKDOWN – BOROUGH PRESIDENT		
PENALTY AMOUNT	NUMBER OF CANDIDATES	PERCENT OF CANDIDATES
No penalty	11	68.8%
Between \$1 and \$1,000	1	6.3%
Between \$1,001 and \$5,000	2	12.5%
Between \$5,001 and \$10,000	1	6.3%
Over \$10,000	1	6.3%

2013 ELECTION CYCLE PENALTY BREAKDOWN – CITY COUNCIL		
PENALTY AMOUNT	NUMBER OF CANDIDATES	PERCENT OF CANDIDATES
No penalty	84	43.5%
Between \$1 and \$1,000	24	12.4%
Between \$1,001 and \$5,000	54	28.0%
Between \$5,001 and \$10,000	14	7.3%
Over \$10,000	17	8.8%

## MOST FREQUENT PENALTIES

The most frequent violation for campaigns in the 2013 election cycle was accepting corporate contributions. Other common penalties associated with campaign contributions include accepting over-the-limit contributions.<sup>7</sup>

Violations associated with campaign expenditures were also frequent among 2013 campaigns, as demonstrated in the table below. Violations associated with campaign spending include making improper

<sup>7</sup> The published penalty guidelines for the 2017 election cycle state that campaigns will not be issued a violation if corporate or over-the-limit contributions are refunded timely after CFB notification. Previous editions of the guidelines set small baseline penalties for contribution violations that were returned promptly. The 2017 election penalty guidelines can be accessed at <https://www.nyccfb.info/law/penalty-guidelines/>.

post-election expenditures and failing to demonstrate that spending was in furtherance of the campaign (non-campaign related expenditures).

Additionally, disclosure violations were common in the 2013 election cycle. These include undocumented or unreported transactions; late or missing responses to documentation requests or disclosure statements; missing bank statements; and inadequate record keeping.

FREQUENT PENALTIES ACROSS ALL CAMPAIGNS IN THE 2013 ELECTION CYCLE <sup>8</sup>			
VIOLATION TYPE	CAMPAIGNS PENALIZED	MEDIAN PENALTY AMOUNT	PENALTY RANGE
Corporate contributions	68	\$530	\$45–\$24,803
Improper post-election expenditures	55	\$390	\$72–\$27,274
Non-campaign related expenditures	53	\$797	\$35–\$22,031
Undocumented transactions	51	\$200	\$50–\$6,613
Over-the-limit contributions	51	\$750	\$125–\$34,100
Late response/failure to respond to documentation information requests	50	\$958	\$50–\$22,240
Unreported transactions	48	\$202	\$6–\$3,716
Missing bank, credit card, or merchant statements	44	\$473	\$39–\$500
Disbursement and receipt reporting	38	\$271	\$71–\$3,000
Late to file or failure to file disclosure statements	36	\$295	\$50–\$3,816

<sup>8</sup> Does not include violations with no associated penalties.

## MOST FREQUENT PENALTIES FOR FIRST-TIME CANDIDATES

First-time candidates experienced many of the same issues as all campaigns in the 2013 election cycle. Nine out of ten of the most common penalties for all campaigns were among the top 10 penalties for campaigns of first-time candidates.

FREQUENT PENALTIES ACROSS CAMPAIGNS OF FIRST-TIME CANDIDATES IN THE 2013 ELECTION CYCLE <sup>9</sup>			
VIOLATION TYPE	CAMPAIGNS PENALIZED	MEDIAN PENALTY AMOUNT	PENALTY RANGE
Corporate contributions	30	\$448	\$45–\$11,406
Improper post-election expenditures	30	\$176	\$72–\$3,795
Non-campaign related expenditures	29	\$296	\$35–\$3,173
Late response / failure to respond to documentation information requests	28	\$1,000	\$50–\$5,441
Undocumented transactions	26	\$242	\$50–\$1,200
Missing bank, credit card, or merchant statements	23	\$282	\$50–\$500
Disbursement and receipt reporting	23	\$282	\$71–\$3,000
Over-the-limit contributions	23	\$625	\$125–\$34,100
Late to file or failure to file disclosure statements	21	\$300	\$50–\$1,300
Cash receipt reporting	21	\$186	\$7–\$1,101

<sup>9</sup> Does not include violations with no associated penalties.

## ENFORCEMENT SUMMARY

### LIU V. NEW YORK CITY CAMPAIGN FIN. BD.

Former Comptroller John Liu, a candidate for mayor in 2013, was denied public matching funds after his campaign treasurer was convicted in federal court of attempted wire fraud, obstructing a grand jury investigation, and making false statements related to the campaign's fundraising, and a fundraiser was convicted of attempted conspiracy to commit wire fraud. The CFB's own investigation found additional evidence of suspected campaign finance law violations, most notably a straw donor scheme.

On March 12, 2014, Liu filed a lawsuit in the Southern District of New York alleging that the CFB's determination not to award his campaign public funds constituted a prior restraint in violation of the First Amendment. Liu further challenged the constitutionality of the Act and Board Rules, arguing that the CFB's ability to make public funds determinations violates the First Amendment by placing "unbridled discretion in the hands of [the CFB] to permit or disallow political speech[.]"<sup>10</sup> On September 29, 2016, the court granted the CFB's motion to dismiss the complaint.<sup>11</sup>

On August 23, 2017, the Board assessed penalties against the Liu campaign totaling \$26,059 for eight violations, including penalties of \$10,000 for materially misrepresenting campaign contributions in its reporting and documentation and \$10,000 for submitting public funds matching claims on the basis of falsified contribution documentation. The Board also found the campaign to be in breach of certification, thus deeming it ineligible to receive public funds for the 2013 elections.<sup>12</sup>

### WILLS

On July 20, 2017, then-Council Member Ruben Wills was convicted in New York State Supreme Court, Queens County, of one count of a scheme to defraud in the first degree, two counts of grand larceny in the third degree, and two counts of filing a false instrument in the first degree. He was subsequently sentenced to two to six years in prison.<sup>13</sup> The indictment and conviction stemmed in part from an expenditure that Wills reported to the CFB during his 2009 campaign for City Council. The campaign had reported an \$11,500 expenditure to an entity called Micro Targeting and submitted documentation to the CFB to qualify the expenditure to be made using public funds. However, according to testimony offered in the criminal trial and in a plea agreement with another defendant, Micro Targeting was a sham company set up by Wills two days after the date on a fraudulent invoice provided by the campaign. False information was provided by Wills and the co-defendant to the Clerk of Queens County to obtain a business certificate, and to Chase Manhattan Bank to open a bank

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<sup>10</sup> *Liu v. N.Y.C. Campaign Fin. Bd.*, No. 1:14-cv-01687-RJS, 2016 WL 5719773, (S.D.N.Y., Sept. 29, 2016).

<sup>11</sup> *Id.*

<sup>12</sup> For further information about these and other Final Board Determinations (FBDs), consult the Final Audits and Final Board Determinations of the 2017 Citywide Elections page at <https://www.nycctfb.info/follow-the-money/final-audit-report>.

<sup>13</sup> Vivian Wang, "City Councilman Convicted of Stealing Thousands in Public Funds," *The New York Times*, July 20, 2017, <https://www.nytimes.com/2017/07/20/nyregion/ruben-wills-city-council-verdict.html>.

account, in the name of Micro Targeting. Upon receiving the \$11,500 payment from the campaign, Micro Targeting conveyed \$11,300 in part to Wills and in part to a nonprofit controlled by Wills. Trial testimony established that Wills used the funds transferred to the nonprofit to make personal expenditures. The CFB's audit of the Wills 2009 campaign, which was suspended for the duration of the criminal investigation and court proceedings, is ongoing.

## DOSAMANTES

On February 2, 2018, Celia Dosamantes, an unsuccessful candidate in the 2015 primary election for City Council District 23, was convicted in New York County Criminal Court of 32 counts of grand larceny and offering a false instrument for filing. She was sentenced on April 20, 2018 to serve intermittent imprisonment over a four-month period and perform 400 hours of community service. The indictment and conviction arose from the candidate's submission of fraudulent documentation to the CFB in an attempt to obtain matching funds for nonexistent contributions. Because the CFB found significant irregularities in its review of the documentation, the campaign did not receive public funds. The CFB's audit of the campaign, which was suspended for the duration of the criminal investigation and court proceedings, is ongoing.

## OATH ENFORCEMENT PROCEEDINGS

Many potential violations are uncovered during the post-election audit process. All candidates who 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 by correcting misreported transactions or providing additional documentation. Campaigns are given the opportunity to respond to the penalty recommendations both in writing and in person. 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 (ALJ) from the Office of Administrative Trials and Hearings (OATH). Public funds repayment determinations are also made in administrative proceedings. Two enforcement proceedings were conducted before OATH in 2017.

On June 5, 2017, at the campaign's request and following the filing of a petition and answer, a trial was held before ALJ John Spooner in the matter of *Campaign Finance Board v. Mark Weprin and Mark Weprin 2013*. On June 22, 2017, ALJ Spooner issued a final report and recommendation for the Board's consideration. The report upheld each of CFB staff's legal and factual assertions, but recommended a reduced penalty, due to mitigating circumstances, for one violation. At a meeting held on July 27, 2017, the Board adopted the findings and associated recommended penalties in ALJ Spooner's final report and recommendation.

On May 3, 2017, at the campaign's request and following the filing of a petition and answer, a trial was held before ALJ Kevin F. Casey in the matter of *Campaign Finance Board v. David Greenfield, Jeffrey Leb, and NYC Greenfield 2013*. On October 12, 2017, ALJ Casey issued a final report and recommendation for the Board's consideration. The report upheld each of the CFB staff's legal and factual assertions and the recommended penalty amount. As a preliminary matter in this case, ALJ Casey explained that CFB staff has "the burden of proving violations by a preponderance of credible evidence, but participating campaigns are required to show compliance with the Campaign Finance Act and the Board's rules." At a meeting held on November 16, 2017, the Board adopted the findings and associated recommended penalties in ALJ Casey's final report and recommendation.

## THE ADVANCE GROUP

In the 2013 elections, New Yorkers for Clean, Livable and Safe Streets, Inc. (NYCLASS) reported independent expenditures on behalf of two candidates for City Council: Laurie Cumbo and Mark Levine. Both the candidates' campaigns and NYCLASS employed the same general consultant, The Advance Group (TAG). NYCLASS and TAG shared an office, and TAG employees served as CFB liaisons for both NYCLASS and the campaigns.

Because of the nature of TAG's relationships with the campaigns and with NYCLASS, the Board determined that no expenditures made by NYCLASS on behalf of the campaigns could be independent, and that both TAG and the campaigns knew or should have known that TAG's relationships with both parties would result in such non-independent expenditures. Consequently, the campaigns — and TAG, acting as their agent — had cooperated in expenditures reported to be independent, and NYCLASS had committed material misrepresentation when it reported the purportedly independent expenditures to the Board. The Board found violations and assessed penalties against both campaigns, NYCLASS, and TAG. TAG was also penalized by the Office of the New York State Attorney General.