

ADVISORY OPINION NO. 2024-1 (December 16, 2024)

Re: Charter of the City of New York (“Charter”) § 1052(a)(15); Administrative Code of the City of New York (“Admin. Code”) § 3-703(15); Board Rules 2-06 and 6-04(a); Op No. 2024-1.

The New York City Campaign Finance Board (the “Board” or “CFB”) issues this clarification of the schedule for the enforcement of amendments to Board Rules 2-06 and 6-04(a). These amendments occur during the 2025 election cycle and to avoid confusion for campaigns and independent spenders, the Board is outlining the timing of the enforcement of these amendments.

Applicable Statutes, Board Rules, and Advisory Opinions

Section 1052(a)(15) of the Charter requires the Board to regulate independent expenditures in covered New York City elections.

Section 3-703(15) of the Admin. Code requires campaigns to demonstrate compliance with the Board’s training requirements in order to be eligible to receive public matching funds.

Board Rule 2-06 specifies how campaigns can comply with the training requirements.

Board Rule 6-04(a) details a non-exhaustive list of factors the Board will consider when determining if an expenditure was made independently.

Analysis

Training

On November 14, 2024, the amendments to the rules were adopted, about a month before the first public funds payment date for the 2025 primary election, December 16, 2024. Many EC2025 campaigns are registered and are in compliance with the current training requirements as stated in Rule 2-06.¹ Therefore, campaigns that have complied with Rule 2-06 prior to the adoption of the amendments to the training requirements for the 2025 elections on November 14, 2024 will be deemed to be in compliance with the rule for the purposes of eligibility for the first two public funds payments of the 2025 primary election: December 16, 2024 and January 15, 2025. However, campaigns will need to comply with the new rule, adopted on November 14, 2024, by January 27, 2025 to maintain eligibility for the third payment on February 18, 2025 and all subsequent payments.

Any campaigns not in compliance prior to the adoption of the amendments to the requirements need to come into compliance on the schedule outlined in Rule 2-06 as amended on November 14, 2024.

¹ The current requirement is that a candidate or candidate’s representative must attend trainings concerning compliance with the requirements of the public funds program and the use of the disclosure software.

Independent Expenditures

The amendments to the factors for determining independence with regards to expenditures are being adopted during the 2025 election cycle. For two of the factors that consider conduct “during the same election cycle during which the expenditure is made,” the Board has determined that applicable conduct prior to the adoption of the amendments on November 14, 2024 will not be considered in any determination regarding independence.

First, for Rule 6-04(a)(vii), the new language will not be applied to expenditures made prior to the adoption of the amendments to the rule. Second, for Rule 6-04(a)(viii), employment relationships that ended prior to the adoption of the amendments to the rule will not be considered a mandatory factor in determining independence.

**NEW YORK CITY
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