

1 Subtitle V of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of
2 New York is hereby amended by adding thereto a new Part, to be Part 6200.10 to read as follows:

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4 §6200.10 Disclosure of Independent Expenditures

5 **(a) Purpose and Overview**

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7 The purpose of this Regulation is to set forth the requirements under existing law that
8 individuals, organizations, corporations, political committees, or any entity making independent
9 expenditures must follow to disclose independent expenditures.

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11 The New York State Election Law mandates how financial activity, including independent
12 expenditures, is to be disclosed. Article 14 of the Election Law sets forth the requirement that
13 independent expenditures be disclosed through the filing of campaign financial disclosure
14 reports. Those making independent expenditures must register a committee with the New York
15 State Board of Elections (State Board), and/or a local board of elections as defined in Election
16 Law section 1-104 (26), as appropriate, or with a village clerk as applicable, through which to
17 report the activity.

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19 **(b) Definitions**

20 (1) “Independent expenditure” means an expenditure made in support or opposition of a
21 candidate:

22 (i) that expressly advocates for the election or defeat of a candidate; and

1 (ii) that the candidate or his/her agents or authorized political committee(s) did not
2 authorize, request, suggest, foster or cooperate with in any way.

3 (2) “Express advocacy”, a standard created by the United States Supreme Court in Buckley
4 v. Valeo, 424 U. S. 1 (1976), means a communication that contains express words
5 such as vote, oppose, support, elect, defeat, or reject, which call for the election or
6 defeat of a candidate.

7 **(c) Registration**

8 (1) Election Law 14-100(1) requires that an independent expenditure be disclosed, and a
9 political committee is the sole vehicle through which individual(s) or entities disclose an
10 independent expenditure.

11 (2) Election Law 14-118 requires that before a political committee may receive any receipt
12 or contribution, or make any expenditure or incur any liability, the treasurer of such
13 political committee must register with the appropriate board of elections or village clerk,
14 as applicable, pursuant to the procedures set forth by the State Board. Registration
15 forms are available from the State Board.

16 (3) Election Law 14-110, 14-112, 14-118, and NYCRR 6200.1 determine the appropriate
17 board(s) of elections or village clerk at which to register a committee. Where to register
18 is determined by:

19 (i) whether the candidate being supported or opposed is running for a state
20 office or a local office; and

21 (ii) the monetary level of the independent expenditure (s).

1 (4) Committees making independent expenditures supporting and /or opposing candidates
2 running for state offices, which include: Governor, Lt. Governor, State Comptroller,
3 Attorney General, State Senate, State Assembly, and State Supreme Court Justice,
4 must register and file financial disclosure reports with the State Board pursuant to
5 EL14-110.

6 (5) Committees making independent expenditures in support or opposition of Local
7 candidates must register with the local board of elections or village clerk, as
8 applicable:

9 (i) Committees making independent expenditures supporting and /or opposing
10 candidates running for local offices must register and file financial
11 disclosure reports with the appropriate local board of elections or village
12 clerk, as applicable, pursuant to EL 14-110, NYCRR 6200.1.

13 (ii) Local filers should contact the appropriate local board of elections or village
14 clerk, as applicable, for information about how to submit a report locally
15 (i.e. paper or electronically) pursuant to EL 14-102.

16 (iii) Local filers, filing with a local board of elections, who raise or spend, or
17 expect to raise or spend, more than \$1,000 in any calendar year are also
18 required to register and file campaign financial disclosure reports with the
19 State Board, in addition to filing with the appropriate local board of
20 elections pursuant to EL 14-102 (4), NYCRR 6200.1(d)).

21 (iv) Any local filer required to file with the State Board, and who actually does
22 so, is not required to make a duplicate filing with their local board of
23 elections. The State Board filing will satisfy the local filing obligation

1 and scripts, internet, print and other types of advertisements, pamphlets, circulars,
2 flyers, brochures, letter heads and other printed material.

3 **(e) Resignation of a Treasurer**

4 (1) To resign as treasurer of a registered political committee, the treasurer must comply
5 with the provisions of NYCRR 6200.7.

6 **(f) Termination of a Committee**

7 (1) Termination ends a treasurer's obligation to file campaign financial disclosure reports for
8 that committee. To terminate a committee, a treasurer must comply with the provisions of
9 EL 14-108, 14-110, NYCRR 6200.2. All filing obligations continue until the termination
10 process is finalized and approved by the State Board and/or local board(s) of elections, or
11 village clerk, as applicable.

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13 (2) Any post election report (if the filer is actively supporting or opposing candidates in that
14 election) or a periodic report, can be designated as a termination report. At other times, a
15 treasurer can submit an off-cycle campaign financial disclosure report. The termination
16 report must include all transaction from the cut-off date of the last report filed, up to the
17 date of the termination request.

18 (3) Terminations are subject to review and approval by the board(s) of elections or village
19 clerk, as applicable, for compliance with the applicable statutes and regulations of the
20 Board, and are not deemed final until appropriate processing has taken place. If all
21 requirements are not met, the treasurer will receive a letter outlining remaining issues to
22 be resolved to qualify for termination. A treasurer has a continuing obligation to file

1 campaign financial disclosure reports with the applicable board(s) of elections or village
2 clerk until the termination request is approved.

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4 **(g) Record Retention**

5 Records shall be retained pursuant to the requirements of EL 14-118.

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7 **(h) Non-compliance**

8 The State Board or a local board of elections may institute a judicial proceeding to obtain
9 filing compliance, as well as a financial penalty, pursuant to EL 14-126, 16-114.

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