

# 2021 POST- ELECTION REPORT

New York City's Campaign Finance Program in the 2021 Citywide Elections



New York City Campaign Finance Board



The members and staff of the New York City Campaign Finance Board  
wish to dedicate this report to their Executive Director,

***Amy M. Loprest***

who has spearheaded efforts to improve the City's groundbreaking  
Campaign Finance Program, served as a champion of voter education and  
engagement, and dedicated over two decades to public service,  
leading with kindness, integrity, and strength.

We wish her well in her future endeavors.

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# Foreward

The 2021 elections were unlike any we've seen before in New York City.

Term limits created a wide-open opportunity for the most diverse ever array of Mayoral hopefuls. Two-thirds of the city's 51 Council districts had no incumbent on the ballot. Four of five Borough President seats were up for grabs, as was the Comptroller's office. Last year's primary elections were the city's introduction to Ranked Choice Voting (RCV), which asks voters to rank up to five candidates on their ballot. The CFB's NYC Votes initiative led a citywide education campaign on RCV to provide voters with the tools they needed to vote with confidence. (See our [2021–2022 Voter Analysis Report](#) for more details on this.)

The election cycle kicked into gear with the COVID-19 pandemic still raging in New York City, and concerns about safety thoroughly disrupted the traditional rhythms of campaigning at the neighborhood level. The pandemic made in-person fundraising vanishingly rare, and accelerated campaigns' reliance on online organizing.

These were also the first citywide elections conducted under the new matching funds system created by a Charter amendment approved overwhelmingly by voters in November 2018 and updated by the City Council in the following year. The changes, based largely on proposals contained in the CFB's post-election report on the 2017 campaign, transformed the program. Contribution limits were cut by more than half, limiting the impact of large contributions. The matching rate was increased to \$8 to \$1, and citywide candidates could match more of the contributions they received, providing greater incentives to raise small-dollar contributions. Candidates could receive a higher amount of overall funds, decreasing their reliance on private fundraising.

All of these factors contributed to making the 2021 elections the largest in the history of the program by every available metric. Participation in the matching funds program reached record levels, and more candidates received support through the program than ever before.

Under these unique conditions, New York City voters elected a government that is truly representative of the people of this city. We have our second Black mayor in city history, one of two Black men in citywide elected office. We have our first Latino Brooklyn Borough President. The City Council sworn in at the start of this year is the most diverse in the city's history. Among its members are five Asian Americans, the most ever, including the first representatives from the city's South Asian communities, and the first of Korean descent. The Council's Black, Latino, and Asian Caucus grew in size to 34 members. The first LGBTQ Black women to serve in the Council took office this year. And after years when fewer than one in four Council members were women, there is for the first time a female majority in the city's legislative body.

Our mandate for this post-election report is to review and evaluate the effect of the Campaign Finance Program on the conduct of election campaigns in New York City. While the results I've just described are heartening, the dramatic changes to the city's elections and the exceptional circumstances under which they were held make it difficult for us to draw firm conclusions about the specific impact of the recent changes to the matching funds program. Going forward, additional data from future elections will likely provide a stronger basis for further recommendations for improvements to the program.

Although turnout for the 2021 elections was high by historical standards, it remains far too low, as detailed in our 2021 Voter Analysis Report. In coming years the CFB will build on its work engaging voters in underrepresented communities and continue to recommend changes in the law that could significantly improve voter turnout.

One conclusion is clear, without further analysis necessary: Credit is due to the tireless and dedicated Campaign Finance Board staff for continuing to perform their work at a high level, without interruption, dealing with unprecedented volume, under conditions that were unimaginable just a few years ago. Through their efforts, and those of our partners in and outside government, the work of perfecting our local democracy in New York City continues.

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

Frederick P. Schaffer  
*Chair*



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# 2021 Election Cycle Fact Sheet

Major Statistic	Primary	General	Overall
<b>Voter turnout</b>	26.5%	23.3%	—
<b># of registered candidates</b>	—	—	644
<b># of participants</b>	349	112	389
<b># of non-participants</b>	16	20	35
<b># of candidates on the ballot</b>	372	138	436
<b>% of candidates on the ballot participants</b>	93.8%	81.2%	89.2%
<b># of participants paid</b>	280	77	308
<b>% of participants paid out of participants</b>	80.2%	68.8%	79.2%
<b># of participants “maxing out”</b>	138	19	—
<b>% of participants “maxing out” of participants paid</b>	49.3%	24.7%	—
<b># of first time payees</b>	219	55	239
<b>% of first time payees out of participants</b>	62.8%	49.1%	—
<b>\$ public funds paid</b>	\$109,907,414	\$17,010,101	\$126,917,515
<b>% of public funds paid to first-time payees</b>	66.0%	85.2%	—

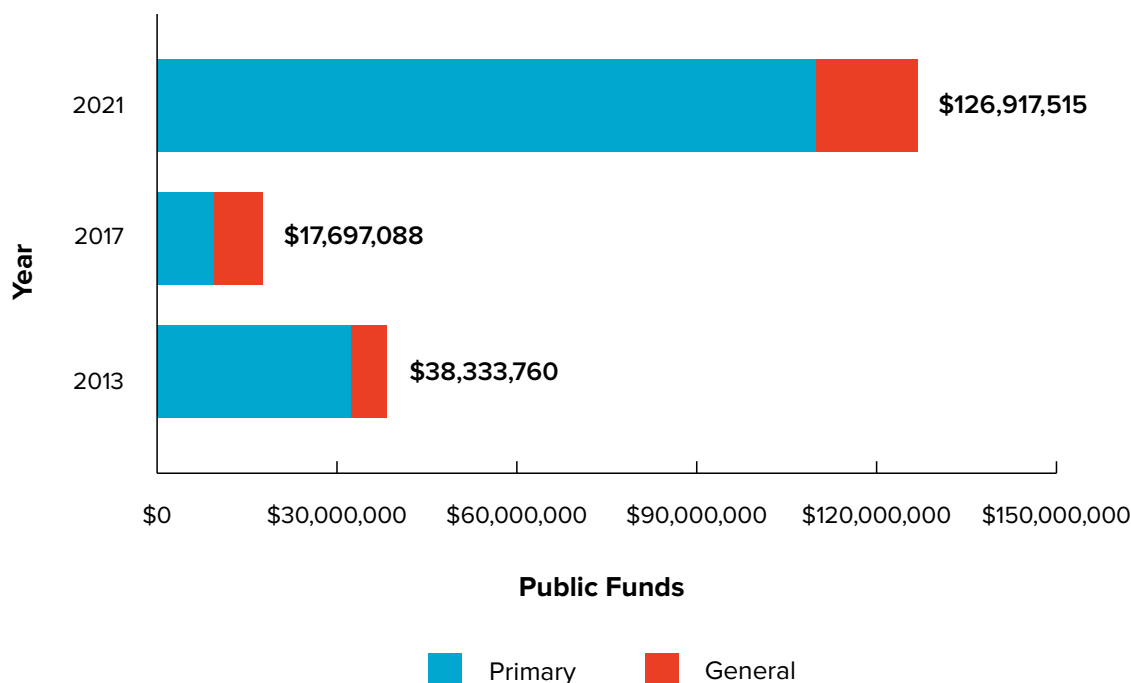
Major Statistic	Primary	General	Overall
<b>\$ contributions</b>	\$54,013,514	\$8,535,787	\$62,549,301
<b># contributions</b>	379,540	45,380	424,920
<b>\$ individual contributions</b>	\$51,034,138	\$7,899,982	\$58,934,120
<b># individual contributions</b>	377,287	44,640	421,927
<b>\$ contributions claimed for match</b>	\$15,806,652	\$1,977,835	\$19,877,046
<b># contributions claimed for match</b>	228,337	24,192	—
<b>\$ average individual contribution</b>	\$135	\$188	\$149
<b># contributions ≤\$250 (Citywide)</b>	182,122	21,617	—
<b># contributions ≤\$175 (BP + CC)</b>	162,746	16,135	—
<b># total “small” contributions</b>	344,868	37,752	382,620
<b># contributions from NYC residents</b>	292,904	35,198	—
<b>% of NYC contributions out of total individual contributions</b>	71.6%	70.1%	—
<b>\$ expenditures</b>	\$148,912,054	\$36,217,143	\$192,903,457

# Executive Summary

## Program Overview

The 2021 election cycle was yet another record-breaking year for New York City’s campaign finance program. Over the course of the 2021 election, \$126.9 million in public funds was paid to 308 candidates, matching nearly \$18.3 million<sup>1</sup> in contributions from New Yorkers. This was more than three times the total amount paid in 2013, the previous open citywide election.

**Figure 0.1** Public funds paid in the primary, general election, and in total<sup>2</sup>



- 1** The amount of valid matched claims by all participating candidates is \$18,276,588. If the CFB paid public funds based on that total number, it would far exceed the actual amount paid in 2021. Each candidate has a public funds maximum, which is tied to the spending limit of their applicable program parameters.
- 2** Candidates running in the June primary or November general elections could qualify for early public funds payments. If a candidate was on the ballot in the primary election, their early payment was added to their primary public funds total. If a candidate was only on the general election ballot, their early payment was added to their general election public funds total.

A high participation rate by candidates on the ballot for the primary and general elections drove this high payout of public funds. Compared to 2013, 3% more primary election candidates and 19% more general election candidates participated in the public matching funds program.

**Figure 0.2 Participation rate of candidates on the ballot**

	2013	2017	2021
<b>Primary Election</b>	91%	84%	94%
<b>General Election</b>	62%	64%	81%

These candidates took advantage of the public matching funds program by raising most of their contributions from small donations<sup>3</sup> and New York City residents:

- Small-dollar contributions made up a vast majority of candidate fundraising with small contributions making up 84.6% of contributions in the primary and 79.0% in the general. This compares to 65.7% of contributions in the 2013 primary election and 62.5% of contributions in the 2013 general election.
- Most individual contributions were given by New York City residents—71.6% of primary contributions and 70.1% of general election contributions. In 2013, only 66.2% of primary election contributions and 67.7% of general election contributions were given by individual New York City residents.

An interactive tool which allows anyone to compare important statistics about each race—for Mayor, Public Advocate, Comptroller, Borough President and City Council—is available on our website at [nyccfb.info/2021stats](https://nyccfb.info/2021stats).

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**3** Small contributions are those equal to or less than \$250 to citywide candidates and equal to or less than \$175 for contributions to Borough President and City Council candidates. This includes contributors residing outside of New York City and inside New York City.



## First-time Payees

A primary mission of the Campaign Finance Board (CFB) includes reducing barriers to running for office, with special attention paid to women and candidates of color due to the systemic challenges they face when running for office. Comparing first-time payees to program veteran candidates provides an opportunity to examine whether new candidates have equal access to the matching funds program.

This analysis included findings such as:

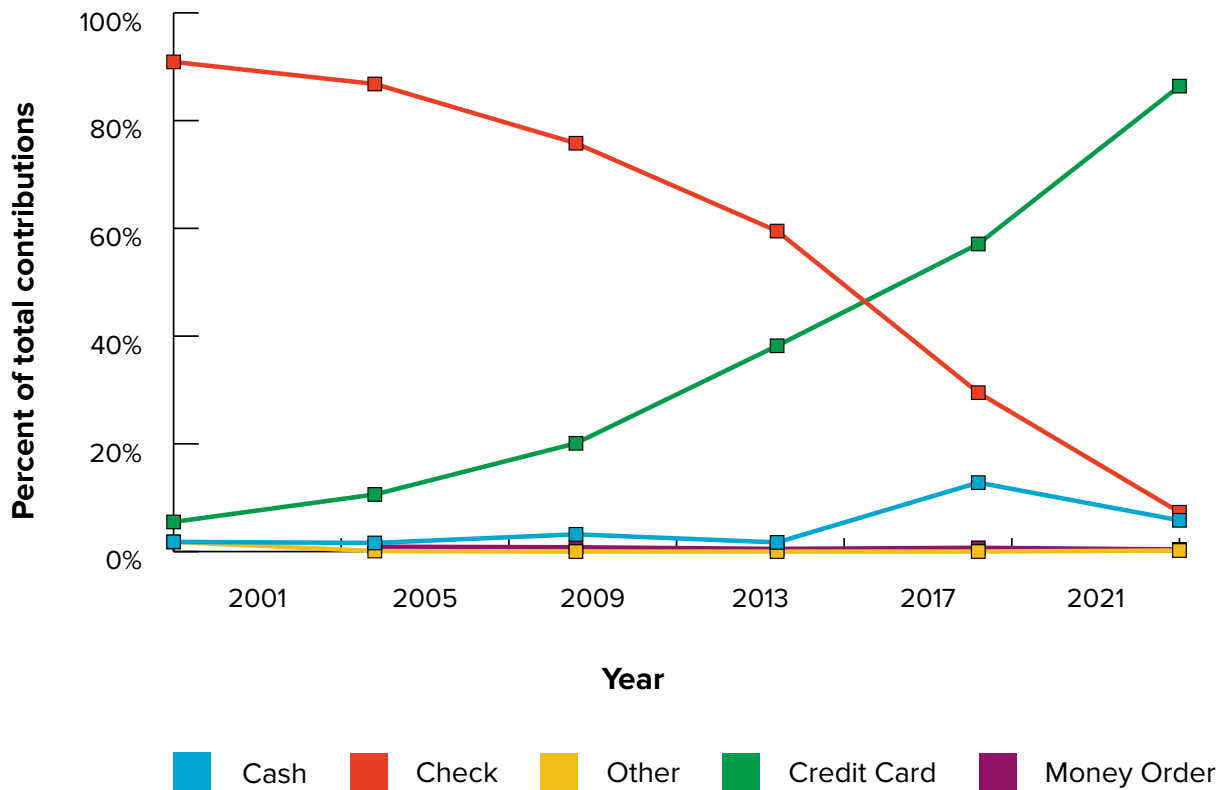
- The majority of first-time payees come from areas of the City that are already highly privileged (whiter, wealthier, more educated neighborhoods).
- There is no clear advantage to being a program veteran.
  - First-time payees and program veterans raised about the same in individual contributions (\$39,533 vs. \$42,325).
  - There is no statistically significant difference between the percentage of first-time payees and program veterans who received max payments.
  - There is no true difference in candidate spending between first-time payees and program veterans.
- The majority of districts with the largest percentage of candidates not meeting the threshold are in Council districts in upper Manhattan and outlying areas of other boroughs.

To further this analysis, in future reports we hope to analyze whether certain demographic, geographic, and social factors make a candidate running for office more or less likely to qualify for public funds.

## NYC Votes Contribute

NYC Votes Contribute is a one-of-a-kind online credit card processing platform created as a public resource to serve all candidates for city office. Contribute helps candidates meet CFB-specific compliance requirements and also allows campaigns to easily collect credit card contributions, which made up 86.4% of individual contributions in 2021. Within the last several years, credit cards have replaced checks as the most popular way to contribute.

**Figure 0.3** Percentage of number of contributions by contribution method in 2001–2021<sup>4</sup>



Likely because it is free to use, Contribute is a more popular platform for City Council candidates (who face lower spending limits) than for Mayoral candidates. However, 93.9% of all candidates in the 2021 election cycle used Contribute to raise contributions. Candidates who received public funds were more likely to use Contribute over those who did not receive public funds (98.9% vs. 90.0%).

Contributions made through the Contribute platform were less likely to be under \$25 than donations that come from a different credit card processing platform. Our analysis found that this likely was due to default donation options, which can have a considerable influence on people's donation choices; the choices on Contribute default to start at \$25 instead of a lower amount like \$10. On other credit card processing platforms, the most popular contribution amount is \$10, whereas it is only fourth most popular on Contribute.

<sup>4</sup> This analysis includes monetary contributions from individuals to all candidates, including terminated campaigns.

The Contribute platform also helped candidates comply with CFB documentation and disclosure requirements. City Council candidates who received more of their contributions through Contribute were found to have fewer findings or violations.

Takeaways from this analysis will help the CFB improve the candidate and contributor experience in NYC Contribute, such as changing the visible default contribution amounts and better integrating into the online Voter Guide.

## **Independent Expenditures Analysis**

For the past 10 years, the CFB has received and reviewed disclosures of fundraising and spending by independent spenders. Since then, independent spending has increased significantly and the disclosure rules for independent expenditures have become more robust. By overseeing and enforcing authority on this type of spending, the Campaign Finance Board can view spending patterns and ensure that this information is accessible for the public.

This report covers critical independent spending trends and matters such as:

- The monumental increase of digital advertising spending, which jumped from \$453,778 in 2013 to \$6.3 million in 2021.
- The small amount of spending on negative messaging, as less than 1.0% of all communications distributed by spenders in the 2021 Mayoral race were negative.
- The top ten single-candidate entities supporting or opposing Mayoral candidates in 2021, who accounted for 77% of total independent spending in the Mayoral race.

## **Post-Election Audit and Enforcement of 2017 Election Cycle**

The CFB's robust audit process ensures that candidates receiving public funds use them in a lawful manner and that all campaigns comply with universal requirements such as contribution limits. Candidates running in election cycle 2017 had their audit completed over the three-year period following the election year.

Of those campaigns audited by the CFB: 62% did not receive any penalties, and of those who did, a majority were penalized less than \$5,000. Overall this indicates that most candidates are successfully complying with the CFB's Rules and campaign finance law.

## **Policy and Legislative Recommendations**

The post-election report traditionally includes recommendations to ensure the Campaign Finance Act continues to adapt to changes in how money is raised and spent in elections.

The 2018 Charter Revision Commission proposed three changes to the matching funds program that were included as recommendations in the 2017 PER. All three changes passed in a 2018 ballot proposal, drastically changing the program through reduced contribution limits and an increased matching rate. This, along with Ranked Choice Voting and the pandemic, means that New York City elections have seen a lot of changes within the past few years. It is prudent to wait for data from the 2023 and 2025 elections before revisiting some of these changes to ensure that any further modifications are based on solid factual evidence.

This report includes two recommendations on how the State Legislature can change the relevant campaign finance sections of the Election Law:

### **Recommendation #1: Prohibit campaigns from receiving cryptocurrency donations**

Cryptocurrency should not be an accepted contribution method because of the unnecessary risk it poses to our compliance and enforcement regulations.

### **Recommendation #2: Eliminate potential foreign influence on ballot proposals**

Foreign entities should not be able to spend money that is unregulated on local or state ballot proposal campaigns.

# Campaign Finance Program Overview

The 2021 election cycle, which began in 2018, included a record high primary election turnout<sup>5</sup> and increased interest in civic engagement as a result of social and legal changes. The 2021 election also marked the first test of a major expansion of the public matching funds program in a primary and general election. Many incumbent elected officials were term-limited, leaving highly competitive seats in wide open races for Mayor, Comptroller, four out of five Borough President offices, and 36 of 51 City Council offices.<sup>6</sup> Ranked Choice Voting was used for the first time in the primary election, which took place in June instead of September. Additionally, the COVID-19 pandemic and civil rights protests led to increased interest in both traditional and nontraditional civic engagement.<sup>7</sup> On top of these factors, a record amount of public funds were paid to a record number of candidates for Mayor, Public Advocate, Comptroller, Borough President, and City Council.

Throughout the 2021 election cycle, the CFB paid \$126.9 million in public funds to 308 candidates, which matched nearly \$18.3 million<sup>8</sup> in contributions from New Yorkers. This was more than three times the total amount paid in 2013, as shown in Figure 1.1, and the highest amount paid since \$42.5 million was paid to candidates in the 2001 election cycle. The changes to the matching

- 
- 5** Voter turnout in this election is discussed in-depth in the 2021 Voter Analysis Report; though turnout was higher than in any past City election year, it was still low at 26.6% in the primary election and 23% in the general election.
- 6** Closed seats, where an incumbent or the person currently holding the office is running, included Public Advocate, Queens Borough President, and several Councilmembers whose terms are not limited until 2025. The offices in Council Districts 11, 15, 24, and 31 were all filled in special elections earlier in 2021, making their seats closed.
- 7** Ricciulli, Valeria. "[For the first time, women make up most of the City Council.](#)" *New York Magazine*, 05 Jan 2022.
- 8** The amount of valid matched claims by all participating candidates is \$18,276,588. If the CFB paid public funds based on that total number, it would far exceed the actual amount paid in 2021. Each candidate has a public funds maximum, which is tied to the spending limit of their applicable program parameters.

formula, which was increased to \$8-to-\$1 by Charter revision, as well as an increase in the total amount of public funds available to candidates, contributed much of the difference.<sup>9</sup>

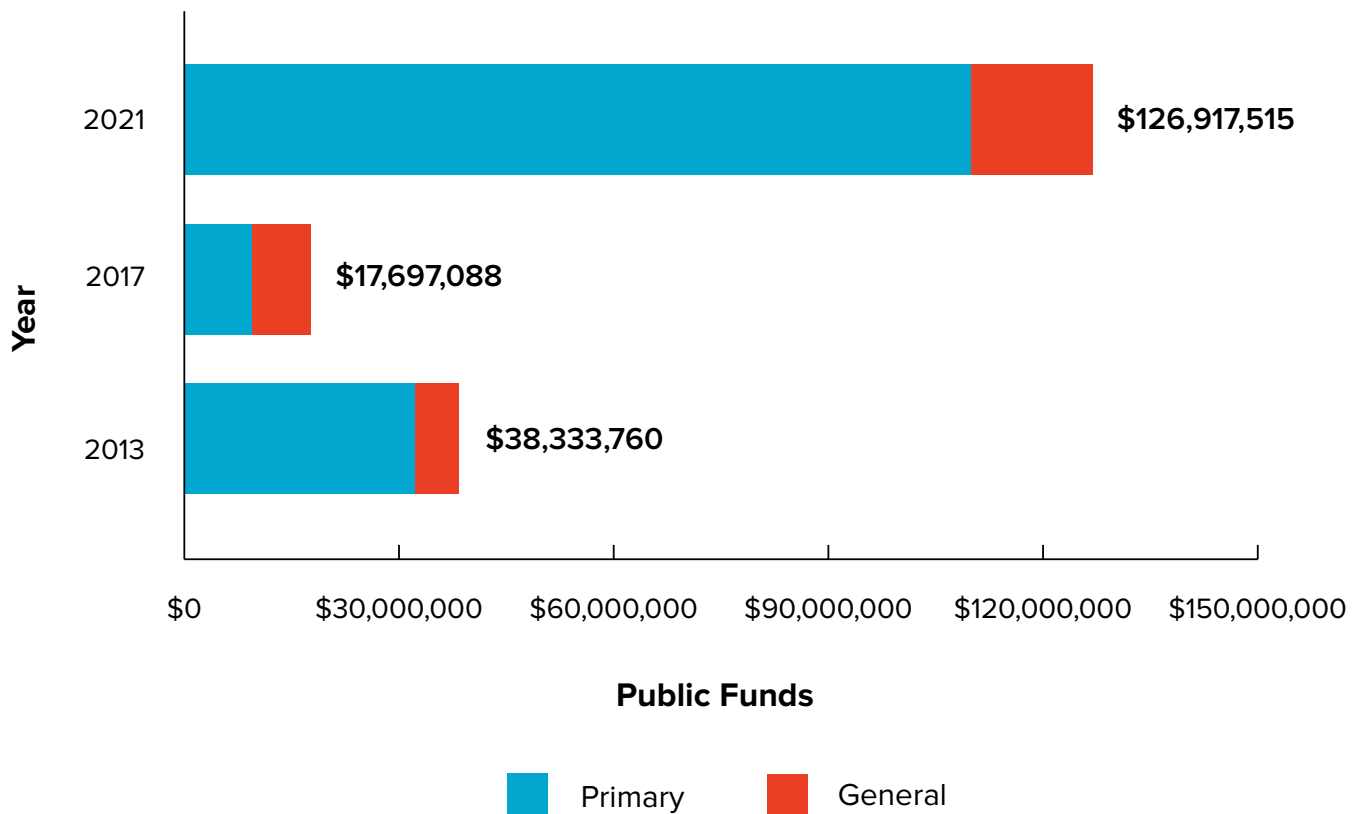
For the first time ever, public funds payments were made available to candidates earlier in the election cycle before the ballot was determined, with monthly early payments issued from December 2020 through April 2021. Early payments totaled \$72.2 million and made up 56.9% of all public funds payments.

**Figure 1.1** Total public funds paid by election cycle<sup>10</sup>

	2021	2017	2013
<b>Primary Election</b>	\$109,907,414	\$9,417,316	\$32,226,218
<b>General Election</b>	\$17,010,101	\$8,279,772	\$6,107,542
<b>Total</b>	\$126,917,515	\$17,697,088	\$38,333,760

**9** In 2001, the matching formula was \$4-to-\$1 on the first \$250 per NYC resident contributor. In 2013, the formula was \$6-to-\$1 up to \$175. For the 2021 election, the new \$8-to-\$1 matching rate applied to the first \$250 for citywide offices, and to the first \$175 for other offices.

**10** Candidates running in the June primary or November general elections could qualify for early public funds payments. If a candidate was on the ballot in the primary election, their early payment was added to their primary public funds total. If a candidate was only on the general election ballot, their early payment was added to their general election public funds total.

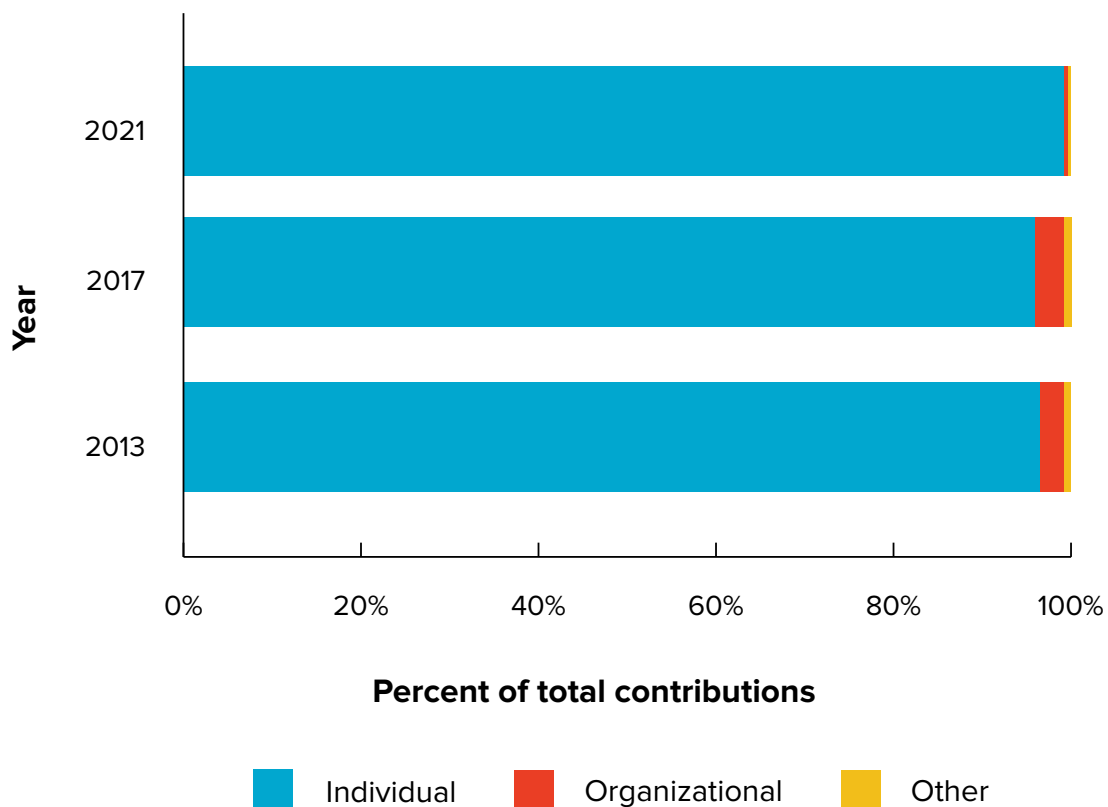


As might be expected with a record public funds payment and record number of candidates in the race, the total number of contributions broke records as well, and indicated overall enthusiasm and interest in city races. Individual contributions made up 99.2% of total contributions in the 2021 election cycle, compared to 96.5% of total contributions in 2013. “Doing business” contributions—those from registered lobbyists as well as owners, principal officers, and senior managers of entities that have city contracts—made up only 2.2% of individual and other contributions, which is lower than in both 2017 and 2013.

Only 1,963 out of 440,509 total contributions came from organizations, a category which includes political committees, labor unions, and other permitted organizations. This represents only 0.5% of total contributions raised. Organizations contributed 3.3% and 2.6% of all contributions in the 2017 and 2013 election cycles respectively. Previous post-election reports have concluded that incumbents benefit the most from organizational support and also are most effective at gathering organizational contributions. However, the extremely low number of organizational contributions in 2021 reflects a steep drop even compared to the 2013 election, which had a similar number of open seats without incumbent officeholders running.

**Figure 1.2** Number of contributions by source by election cycle<sup>11</sup>

	2013	2017	2021
<b>Individual</b>	182,652	113,630	437,166
<b>Organizational</b>	4,911	3,893	1,963
<b>Other</b>	1,625	930	1,380
<b>Total Contributions</b>	189,188	118,453	440,509



<sup>11</sup> Includes all contributions to any candidate submitting disclosure to the CFB in the respective election cycle. This calculation does not use any method of pooling contributions from unique individuals. Individual contributions are contributions that are not organizational nor from the candidate or candidate's family. Organizational contributions include corporate, employee organization (union/guild), LLC, organization, partner, PAC, candidate committee, and political party committee contributions. Other contributions are contributions from the candidate, the candidate's family, or the candidate's spouse.

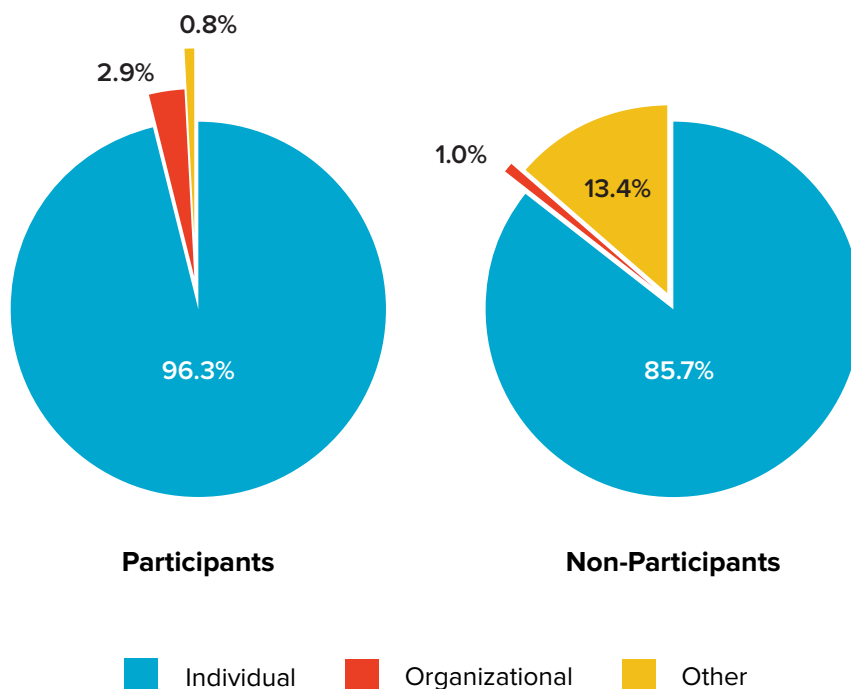


In addition to encouraging everyday New Yorkers to engage with our electoral system, the program helps diminish the potential for corruption and encourages candidates to solicit donations from their constituents, friends, and neighbors instead of wealthy special interest groups. As shown in Figure 1.3 and Figure 1.4, participants in the matching funds program received 96.3% of their total contributions from individual contributors. Comparatively, non-participant candidates received 86.7% of their total contributions from individual contributors.

**Figure 1.3 Dollar amount of contributions for participants vs. non-participants on the ballot**

	Participants	Non-Participants
<b>Individual</b>	\$48,823,915	\$10,110,205
<b>Organizational</b>	\$1,474,761	\$107,130
<b>Other</b>	\$385,873	\$1,647,416
<b>Total Contributions</b>	\$50,684,549	\$11,864,751

**Figure 1.4 Source of contribution by percentage of total contributions**



In total, contributors made 437,166 individual contributions in the 2021 election cycle, with an average contribution size of \$143. As shown in Figure 1.5, candidates for Mayor and Comptroller had a higher average contribution size, and Public Advocate and City Council candidates had the lowest average contribution size.

**Figure 1.5** Average size of individual contributions<sup>12</sup>

	Democratic Primary	Republican Primary	General Election
<b>Mayor</b>	\$134	\$129	\$130
<b>Public Advocate</b>	\$64	n/a	\$65
<b>Comptroller</b>	\$158	n/a	\$202
<b>Borough President</b>	\$115	\$126	\$119
<b>City Council</b>	\$78	\$115	\$78
<b>Total</b>	\$113	\$126	\$117

By directly matching small-dollar contributions, the program amplifies the power of contributions from everyday New Yorkers. The 2021 election cycle marked the highest rate of small-dollar individual contributions over the last three election cycles. Of all primary election contributions raised by dollar amount, 84.6% were small contributions, compared to 76.0% in 2017 and 65.7% in 2013. Of all general election contributions raised by dollar amount, 79.0% were small contributions, compared to 68.9% in 2017 and 62.5% in 2013.

<sup>12</sup> Individual contributions do not include contributions from the candidates to their own campaign or contributions from their immediate family or spouse.

**Figure 1.6** Rate of individual small contributions out of total dollars raised

	2013	2017	2021 <sup>13</sup>
<b>Primary Election</b>	65.7%	76.0%	84.6%
<b>General Election</b>	62.5%	68.9%	79.0%

By only matching contributions from New York City residents, the program also discourages candidates from fundraising from outside of the city or their own districts. In the 2021 election cycle, \$45,115,318 (70.8%) of all individual contributions came from city residents.<sup>14</sup> In 2021, 71.6% of all funds raised in the primary election were from contributors with New York City addresses, compared to 67.6% in 2017 and 66.2% in 2013. In the general election, 70.1% of all individual contributions came from residents,<sup>15</sup> compared to 70.5% in 2017 and 67.7% in 2013.

**Figure 1.7** Rate of individual contributions by New York City residents

	2013	2017	2021
<b>Primary Election</b>	66.2%	67.6%	71.6%
<b>General Election</b>	67.7%	70.5%	70.1%

**13** Small contribution defined as equal to or less than \$250, for contributions to citywide candidates and equal to or less than \$175 for contributions to Borough President and City Council candidates. This includes contributors residing outside of New York City and inside New York City.

**14** Individual contributions to candidates on primary and/or general ballot only.

**15** In 2021, non-NYC New York state residents made up 10.5% of all IND contributions.

As in recent elections, a strong majority of candidates on the ballot in 2021 chose to participate in the program. In the primary election, 349 out of 372 candidates participated in the program, while 112 out of 138 in the general participated.<sup>16</sup> As shown in Figure 1.8, 2021 saw a marked increase in participation rates for candidates on the ballot compared to recent elections, particularly in the general election.

**Figure 1.8 Participation rate of candidates on the ballot**

	2013	2017	2021
<b>Primary Election</b>	91%	84%	94%
<b>General Election</b>	62%	64%	81%

Related to this, more candidates received public funds in 2021 than in the past two election cycles. A total of 308 candidates were paid public funds in 2021, compared to 104 in 2017 and 149 in 2013. Candidates who were paid public funds in both the primary and general elections are counted in both totals, but only once in the total election cycle count.

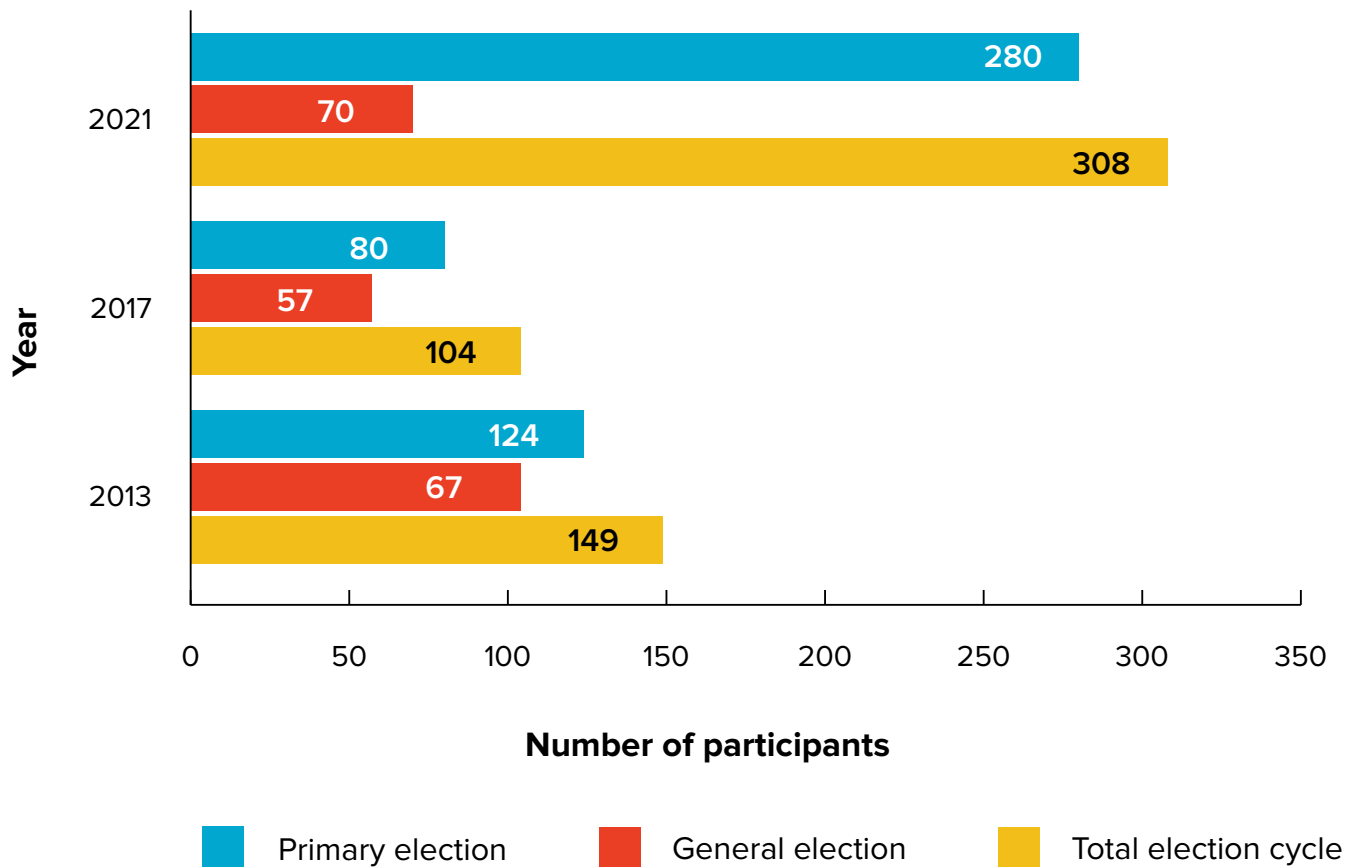
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**16** Level of participation is generally lower in the general election because of additional requirements that are more often triggered by the general. In order to limit public funding in races where participants do not face substantial opposition, 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 New York City Administrative Code § [3-703\(7\)](#).

**Figure 1.9** Number of participants paid public funds<sup>17</sup>

	2013	2017	2021
<b>Primary Election</b>	124	80	280
<b>General Election</b>	67	57	70
<b>Total Election Cycle</b>	149	104	308

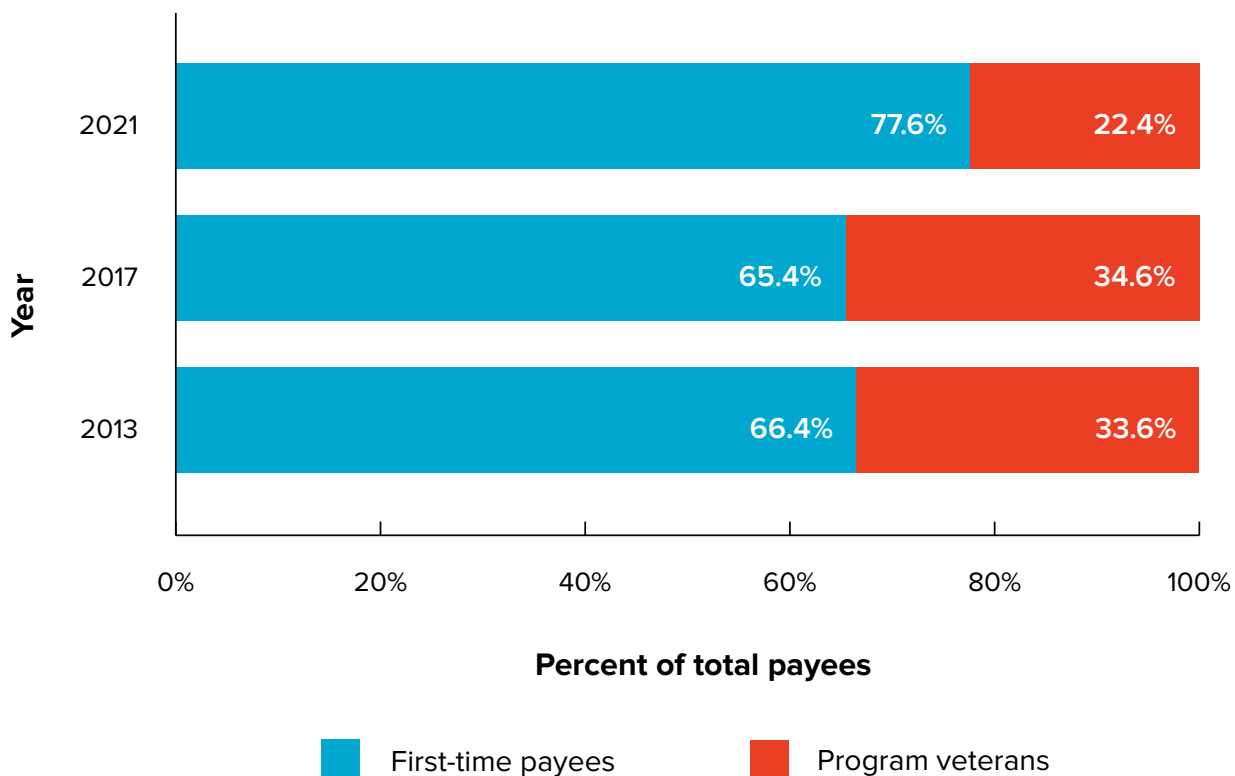


<sup>17</sup> Some candidates were paid public funds in both the general and primary elections, therefore election cycle totals only count those candidates once.

Strikingly, the 2021 election cycle had the largest number of first time payees, or candidates qualifying for public funds, in the program’s history. In total, there were 239 first-time payees or 77.6% out of a total of 308 payees. As shown in Figure 1.10, this compares to 65.4% first-time payees in 2017 and 66.4% in 2013. ([For an in-depth discussion of first-time payees, see the following section of this report.](#)) “Program veterans” is a term used to describe candidates who received public funds in 2021 and also in another previous election cycle.

**Figure 1.10** First-time payees on the ballot

	2013	2017	2021
<b>First-time Payees</b>	99	68	239
<b>Program Veterans</b>	50	36	69
<b>Total Payees</b>	149	104	308



Lastly, close to all of the candidates elected to office in 2021 were matching funds program participants in that election. Out of 59 total city offices, all but two City Council offices are currently held by 2021 matching funds program participants, which represents a new high compared to the last two city elections. Both Council members who did not participate in 2021, Keith Powers (Manhattan District 4) and Rafael Salamanca (Bronx District 17), were program participants in their first election to the Council, in 2017 and 2016 respectively. Therefore, all 59 current city elected officials have been program participants at one time.

**Figure 1.11** Participants elected to office by election cycle

	2013	2017	2021
<b>Mayor</b>	1	1	1
<b>Public Advocate</b>	1	1	1
<b>Comptroller</b>	1	1	1
<b>Borough President</b>	5	4	5
<b>City Council</b>	46	36	49
<b>Total</b>	54	43	57

Another goal of the public matching funds program is to encourage more candidates—specifically those who are not part of the traditional power structure and who do not have access to wealthy contributors—to run viable campaigns with support from their friends and neighbors.

From a representative perspective, analysis of participating candidates in the 2021 election cycle shows that those identifying as women benefited from the program, particularly those running for City Council. For example, winning or competitive female candidates in the 2021 City Council primary “raised as much, on average, as their white and male counterparts.”<sup>18</sup> Furthermore, each demographic studied by the Brennan Center showed comparable dependence on public matching funds and small contributions.

The matching funds program also contributed to the increase in female representation on the Council. Prior to the 2021 election, women held 13 of the 51 City Council seats. Now, for the first time ever, women are the majority in the Council, holding 31 seats. Because Council members are more representative of the communities they serve, the Council can provide more insight and better solutions for matters that impact their constituents, especially issues that disproportionately affect women.<sup>19</sup>

Though gains were made at the City Council level, representative diversity for citywide and borough offices remains elusive. Though a record-number of women qualified for public funds in the 2021 Mayor’s race, all three citywide offices are currently held by men and since the 1989 reorganization of citywide offices, only one woman has been elected to citywide office.<sup>20</sup>

In future post-election reports, we hope to do further analysis into demographic, geographic, and social factors which may make a candidate running for office more or less likely to qualify for public funds.

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**18** Millard, Hazel and Mariana Paez. “[How Public Campaign Financing Empowers Small Donors Nationwide.](#)” *Brennan Center for Justice*, 12 Apr 2022.

**19** Chung, Christine and Ann Choi. “[Women Take the Lead in City Council Fundraising Race After Years of Gender Imbalance.](#)” *The City*, 23 Mar 2021.

**20** Fitzsimmons, Emma G. “[109 Mayors, All Men. When Will New York Elect a Woman?](#)” *The New York Times*, 08 Jul 2021.



## At the Races

The following sections briefly summarize the major races on the ballot in 2021 and break down the most interesting observations. An interactive tool which allows anyone to compare important statistics about each race, such as the average contribution size and number of first-time payees, is available on our website at [nyccfb.info/2021stats](https://nyccfb.info/2021stats).

A total of 644 candidates registered with the CFB at some point over the course of the 2021 election cycle, though not all candidates made it onto the primary or general election ballots and not all candidates had active campaigns throughout the entire cycle.

Candidates who chose to participate in the matching funds program could opt in to two different program options due to Charter amendments approved by New York City voters in 2019 and subsequently amended by City Council legislation.<sup>21</sup> Those opting into the new program were restricted to lower contribution limits compared to those opting into the old program, in exchange for a higher matching rate and maximum public funds payments.

Each of the races outlined in this subsection begin with listing the number of participants in the new program and old program, as well as those who did not participate in any program. Relevant program parameters are also included for reference.

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<sup>21</sup> New York City Council [Local Law 128-2019](#).

## Mayor

**Figure 1.12** Mayoral office limits, matching rate, and public funds maximums

	Participant— New Program (A)	Participant— Old Program (B)	Non-participant
<b>Candidates</b>	39	6	29
<b>Contribution Limit</b>	\$2,000	\$5,100	\$5,100
<b>Doing Business Contribution Limit</b>	\$400	\$400	\$400
<b>Matching Rate</b>	\$8-to-\$1	\$6-to-\$1	\$0-to-\$1
<b>Maximum Matchable Per Contributor</b>	\$250	\$175	\$0
<b>Out-Year Spending Limit</b>	\$343,000		No limit
<b>Primary Election Spending Limit</b>	\$7,286,000		No limit
<b>General Election Spending Limit</b>	\$7,286,000		No limit
<b>Maximum Public Funds Payment</b>	\$6,476,444	\$4,007,300	\$0

The 2021 Mayoral race saw competitive primaries for Democrats and Republicans, and a total of nine public funds payees, the largest number of Mayoral payees in the history of the program.

In the Democratic Mayoral primary, a total of \$37,204,002 in public matching funds was paid, to supplement \$29,404,673 in private contributions raised by the candidates. Seven participants qualified to be paid matching funds, and all but one was a first-time payee. Two candidates received the maximum public funds payment—Ranked Choice Voting runner-up Kathryn Garcia and former Comptroller Scott Stringer.

Six Democratic Mayoral primary candidates qualified for early public funds payments, which were available for the first time in the 2021 election cycle due to Charter amendments and 2019 City Council legislation. Early payments made up a little over half, or \$21,819,080, of the total public funds paid to candidates. No Republican primary candidates qualified for early public funds payments.

The Republican Mayoral primary consisted of only two candidates, both of whom were participants, but only one of whom qualified to be paid public funds. Fernando Mateo, the primary runner-up, was paid a total of \$2,033,918, while his opponent and the Republican Mayoral nominee Curtis Sliwa did not meet the threshold for the primary election but was eventually paid public funds in the general election.

The Mayoral general election generated lower voter turnout but was another race with two program participants. A total of \$7,901,548 was paid to both participating candidates in this race. Curtis Sliwa, the Republican Mayoral nominee, received \$4,223,833 in public funds, while Democratic Mayoral nominee and Mayoral winner Eric Adams added \$3,677,715, bringing his total public funds paid for the election cycle to \$10,135,914.

Overall, Mayoral candidates raised the most in-city contributions, a little over \$22.4 million. In the Democratic primary election, the largest amount of in-city contributions by far came from Manhattan residents, representing slightly over half of all in-city fundraising. When looking only at general election fundraising, Queens and Brooklyn come in close second and third to Manhattan, as shown in Figure 1.13.

**Figure 1.13** Total in-city fundraising by borough among Mayoral participants on the ballot

	Democratic Primary	Republican Primary	General Election
<b>Manhattan</b>	\$ 6,773,111	\$ 158,513	\$ 1,097,917
<b>Bronx</b>	\$ 300,922	\$ 145,652	\$ 192,311
<b>Brooklyn</b>	\$ 3,628,263	\$ 127,279	\$ 856,387
<b>Queens</b>	\$1,675,406	\$ 177,123	\$ 916,226
<b>Staten Island</b>	\$ 285,898	\$ 56,729	\$ 189,079
<b>Total In-City</b>	\$12,663,599	\$ 665,296	\$ 3,251,919
<b>Total Out of City</b>	\$6,144,224	\$259,149	\$1,784,441
<b>Total Individual Contributions</b>	\$18,919,687	\$924,555	\$5,063,584

Average contribution size also varied across Mayoral elections, with the lowest average contribution size taking place in the Republican primary election. The candidate vying for the Republican nomination also raised the most small contributions as a percentage of total individual contributions, and had fewer maximum contributions, as shown in Figure 1.14.

**Figure 1.14** Contribution statistics, Mayoral participants on the ballot

	Democratic Primary	Republican Primary	General Election
<b>Average Contribution Size</b>	\$ 134	\$ 129	\$ 249
<b>Percentage of Small Contributions Out of Total Dollars Raised</b>	83.9%	91.4%	72.8%
<b>Number of Small Contributions</b>	69,329	5,650	11,085
<b>Maximum Contributions</b>	3,244 (3.9%)	79 (1.3%)	846 (5.6%)

## Public Advocate

**Figure 1.15** Public Advocate office limits, matching rate, and public funds maximums

	Participant— New Program (A)	Participant— Old Program (B)	Non-participant
<b>Candidates</b>	4	2	2
<b>Contribution Limit</b>	\$2,000	\$5,100	\$5,100
<b>Doing Business Contribution Limit</b>	\$400	\$400	\$400
<b>Matching Rate</b>	\$8-to-\$1	\$6-to-\$1	\$0-to-\$1
<b>Maximum Matchable Per Contributor</b>	\$250	\$175	\$0
<b>Out-Year Spending Limit</b>	\$343,000		No limit
<b>Primary Election Spending Limit</b>	\$4,555,000		No limit
<b>General Election Spending Limit</b>	\$4,555,000		No limit
<b>Maximum Public Funds Payment</b>	\$4,048,888	\$2,505,250	\$0

The Public Advocate seat would have been an open race in 2021 had former Public Advocate Letitia James not won a special election for Attorney General in 2018. This necessitated a special election for Public Advocate in 2019, which Jumaane Williams won. That Public Advocate special election was the first citywide special election as well as the first race to be held under the new program scheme passed in 2019 and retroactively applied to that race.<sup>22</sup> Williams handily won the 17-person special election in 2019<sup>23</sup> and faced little opposition in the Democratic primary and general election of 2021.

The Democratic primary for Public Advocate saw no payments made to participating candidates, as no candidates met threshold requirements to qualify to receive public funds. No Republican primary took place for the office of Public Advocate.

In the general election, participating candidate and incumbent Jumaane Williams received a total of \$1,010,572 in public funds. His public funds payment was capped at 25% because it was a closed race and no paperwork was filed to have the cap lifted.<sup>24</sup>

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**22** New York City Council [Local Law 1-2019](#).

**23** New York City Board of Elections. “[Special election Public Advocate—February 26, 2019](#).”

**24** In order to limit public funding in races where participants do not face substantial opposition, the Campaign Finance Act, New York City Administrative Code § [3-703\(7\)](#), 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. Under the Act, candidates in primary races and special elections where no incumbent is seeking re-election face no cap.

**Figure 1.16** Total in-city fundraising by borough among Public Advocate participants on the ballot

	Democratic Primary	General
<b>Manhattan</b>	\$ 65,105	\$ 36,529
<b>Bronx</b>	\$ 7,146	\$ 4,833
<b>Brooklyn</b>	\$ 102,994	\$ 59,076
<b>Queens</b>	\$ 18,950	\$ 34,523
<b>Staten Island</b>	\$ 6,896	\$ 5,838
<b>Total In-City</b>	\$ 201,091	\$ 140,800
<b>Total Out of City</b>	\$28,989	\$95,024
<b>Total Individual Contributions</b>	\$230,090	\$235,849



## Comptroller

**Figure 1.17** Comptroller office limits, matching rate, and public funds maximums

	Participant— New Program (A)	Participant – Old Program (B)	Non-participant
<b>Candidates</b>	13	0	3
<b>Contribution Limit</b>	\$2,000	\$5,100	\$5,100
<b>Doing Business Contribution Limit</b>	\$400	\$400	\$400
<b>Matching Rate</b>	\$8-to-\$1	\$6-to-\$1	\$0-to-\$1
<b>Maximum Matchable Per Contributor</b>	\$250	\$175	\$0
<b>Out-Year Spending Limit</b>	\$343,000		No limit
<b>Primary Election Spending Limit</b>	\$4,555,000		No limit
<b>General Election Spending Limit</b>	\$4,555,000		No limit
<b>Maximum Public Funds Payment</b>	\$4,048,888	\$2,505,250	\$0

The Democratic primary election for Comptroller was a crowded race of 10 candidates, with nine of those candidates participating in the program. A total of \$18,631,662 was paid to eight qualifying participants. Four candidates were first-time payees, and two received the maximum public funds payment—Corey Johnson and Brad Lander.

In the Democratic primary election, five candidates qualified for early public funds payments. Early payments made up two-thirds, or \$12,426,658, of the total public funds paid to candidates.

**Figure 1.18** Total in-city fundraising from individuals by borough among Comptroller participants on the ballot

	Democratic Primary	General
<b>Manhattan</b>	\$2,329,008	\$33,818
<b>Bronx</b>	\$81,692	\$1,672
<b>Brooklyn</b>	\$1,254,423	\$62,452
<b>Queens</b>	\$576,909	\$7,972
<b>Staten Island</b>	\$59,171	\$19,687
<b>Total In-City</b>	\$4,301,203	\$125,601
<b>Total Out of City</b>	\$ 1,359,152	\$ 19,540
<b>Total Individual Contributions</b>	\$ 5,665,475	\$ 145,141

No Republican primary election took place for Comptroller. Five candidates made it onto the general election ballot, with Democratic nominee Brad Lander the eventual winner. Lander received an additional \$326,026 in public funds in the general election.

## Borough President

**Figure 1.19** Borough President office limits, matching rate, and public funds maximums

	Participant— New Program (A)	Participant – Old Program (B)	Non-participant
<b>Candidates</b>	45	0	10
<b>Contribution Limit</b>	\$1,500	\$3,950	\$3,950
<b>Doing Business Contribution Limit</b>	\$320	\$320	\$320
<b>Matching Rate</b>	\$8-to-\$1	\$6-to-\$1	\$0-to-\$1
<b>Maximum Matchable Per Contributor</b>	\$175	\$175	\$0
<b>Out-Year Spending Limit</b>	\$153,000		No limit
<b>Primary Election Spending Limit</b>	\$1,640,000		No limit
<b>General Election Spending Limit</b>	\$1,640,000		No limit
<b>Maximum Public Funds Payment</b>	\$1,457,777	\$902,000	\$0

All five boroughs had contested Democratic primaries for Borough President, in addition to a Republican primary in Staten Island. Of the candidates running who made it on the primary election ballot in their respective boroughs, all but one candidate participated in the matching funds program, as shown in Figure 1.20. The most crowded Democratic primary race, which was for Brooklyn Borough President, saw 12 candidates on the ballot, all of whom were participants. Of that number, five candidates received a total of \$4,837,008 in public funds payments.

**Figure 1.20 Borough President primary, participating candidates and public funds received**

Borough President	Candidates On the Ballot	Participating Candidates	Candidates Paid Public Funds	Total Public Funds Received		
Manhattan	6	6	100%	4	66.7%	\$ 4,824,442
Bronx	5	5	100%	5	100%	\$ 2,644,928
Brooklyn	12	12	100%	5	41.7%	\$ 4,837,008
Queens	3	3	100%	3	60.0%	\$ 2,467,086
Staten Island (Democratic)	5	5	100%	5	100%	\$ 1,130,220
Staten Island (Republican)	4	3	75.0%	2	66.7%	\$ 1,133,714

A majority of contributions to primary election Borough President candidates were raised from residents of their respective boroughs, making up 63.1% of all individual contributions received.<sup>25</sup> The Bronx Democratic primary race had the lowest percentage of in-borough contributions, making up \$297,921, or 44.6%, of their total individual contributions raised. The Staten Island Republican primary race has the highest percentage of in-borough contributions with 82.0% of contributions raised from in-borough residents.

**25** The threshold amount is based upon the number of persons living in each borough, according to the 2010 Census and rounded to the nearest dollar. In 2021, the threshold to qualify for public funds for Borough President candidates was 100 contributions and the following minimum funds raised: Bronx (\$27,702), Brooklyn (\$50,094), Manhattan (\$31,717), Queens (\$44,614), and Staten Island (\$10,000).

**Figure 1.21** In-city vs. out of city individual contributions, Borough President primary on the ballot<sup>26</sup>

Borough President	Total Raised <sup>27</sup>	Out of City	In-City	
			In-Borough	Out-of-Borough
<b>Manhattan</b>	\$1,480,691	\$232,027	\$1,064,427	\$183,887
<b>Bronx</b>	\$668,578	\$144,667	\$297,921	\$225,980
<b>Brooklyn</b>	\$1,430,172	\$212,792	\$862,738	\$354,051
<b>Queens</b>	\$739,513	\$134,099	\$426,067	\$178,737
<b>Staten Island (Democratic)</b>	\$244,952	\$42,512	\$160,351	\$42,085
<b>Staten Island (Republican)</b>	\$356,387	\$26,715	\$292,365	\$37,207

The general election race for Staten Island Borough President was highly competitive, with three candidates on the ballot, all of whom participated in the program and also received public funds. A total of \$1,241,120 in public funds was paid to three participating candidates. Compared to the Democratic and Republican primary elections, the general election had a slightly higher average contribution size, although 71.1% of contributions were \$175 or less.

<sup>26</sup> Individual contributions only.

<sup>27</sup> Total Raised often will not add up to out of City and in-City because some contributors' addresses could not be geocoded.

**Figure 1.22 Contribution statistics for Staten Island Borough President**

	Democratic Primary	Republican Primary	General Election
<b>Total Individual Contributions</b>	\$ 244,952	\$ 356,387	\$ 287,148
<b>Average Contribution Size</b>	\$ 88	\$ 126	\$ 167
<b>Number of Small Contributions</b>	1,921	1,753	1,112
<b>Percentage of Small Contributions</b>	86.8%	79.9%	74.8%
<b>Maximum Contributions</b>	15	29	25

## City Council

**Figure 1.23** City Council office limits, matching rate, and public funds maximums

	Participant— New Program (A)	Participant— Old Program (B)	Non-participant
<b>Candidates</b>	410	7	165
<b>Contribution Limit</b>	\$1,000	\$2,850	\$2,850
<b>Doing Business Contribution Limit</b>	\$250	\$250	\$250
<b>Matching Rate</b>	\$8-to-\$1	\$6-to-\$1	\$0-to-\$1
<b>Maximum Matchable Per Contributor</b>	\$175	\$175	\$0
<b>Out-Year Spending Limit</b>	\$51,000		No limit
<b>Primary Election Spending Limit</b>	\$190,000		No limit
<b>General Election Spending Limit</b>	\$190,000		No limit
<b>Maximum Public Funds Payment</b>	\$168,888	\$104,500	\$0

As was the case in 2013, term limits for City Council resulted in a majority of open seats out of 51 total Council districts. Five races were considered closed because of special elections held earlier in 2020 and 2021: Council District 12 in the Bronx had a special election to fill the seat in December 2020, while Council Districts 11 and 14 in the Bronx and 24 and 31 in Queens were the first elections to be held using Ranked Choice Voting in 2021 special elections. Overall, 28 Councilmembers could not seek another term due to term limits and 11 incumbents retired or resigned before the election.

A total of \$34,476,852 of public funds payments were received by candidates running for City Council over the entire election cycle. Of 308 candidates on the ballot, 288 were public funds participants, and 240 were paid public funds, the largest number of City Council payees in the history of the program; 194 in total were paid for the first time ever, representing 80.8% of City Council candidates paid public funds.

**Figure 1.24 Public Funds statistics, City Council participants on the ballot**

	Primary – Democratic	Primary – Republican	Primary – Conservative	General Election
<b>Number of Races</b>	46	6	1	51
<b>Candidates on the Ballot</b>	292	14	2	106
<b>Participating Candidates</b>	275	12	1	87
<b>Candidates Paid Public Funds</b>	232	7	1	65
<b>First-time Payees</b>	187	6	1	48
<b>Total Public Funds Payments</b>	\$32,360,188	\$971,072	\$130,201	\$6,174,526
<b>Maximum Payment Received</b>	114	4	0	10



In the 46 Democratic City Council primaries, a total of \$32.4 million in public matching funds was paid to qualified candidates, to supplement \$12.1 million in private contributions raised by candidates. The participation rate was 94.2%, representing 275 of 292 candidates on the ballot. Of those participating candidates, 232 or 84.4% were paid matching funds and 187 candidates received public funds payments for the first time ever. A record number of 114 candidates received the maximum public funds payment for their respective programs.

In the six Republican City Council primaries, a total of \$971,072 in public matching funds was paid to supplement \$263,856 in private contributions raised by candidates. The participation rate was 85.7%, representing 12 of 14 candidates on the ballot. Of those participating candidates, seven (66.7%) were paid matching funds and six candidates received public funds payments for the first time ever. Four total candidates received the maximum public funds payment.

A total of \$6,174,526 was paid to 65 participating candidates in the City Council general election, with 87 participating candidates out of 106 candidates on the ballot. In the general election, participating candidates are more likely to have public funds payments capped at 25% of the spending limit, because many races do not have multiple candidates on the ballot.<sup>28</sup>

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**28** Level of participation and total public funds paid is generally lower in the general election than in the primary because of several unique characteristics of the general. First, 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. Secondly, more non-participants and small campaigns—those raising and spending less than \$1,000, as defined by the law—run in the general election rather than in the primary.

See New York City Administrative Code § [3-703\(7\)](#).

**Figure 1.25** Contribution statistics, City Council participants on the ballot<sup>29</sup>

	Democratic Primary	Republican Primary	Conservative <sup>30</sup> Primary	General Election
<b>Average Contribution Size</b>	\$78	\$115	\$94	\$113
<b>Number of Small Contributions</b>	95,303	1,707	188	10,506
<b>Percentage of Small Contributions</b>	89.1%	87.0%	88.7%	83.7%
<b>Maximum Contributions</b>	1463	66	0	240

As shown in Figure 1.26, the percentage of program participants elected to office reached 96.1% of all City Council races, returning to a high also seen in 2009.

**Figure 1.26** Percent of City Council members elected as program participants by election cycle

	2013	2017	2021
<b>Percent</b>	90%	71%	96%

**29** Small contributions to City Council candidates are defined as \$175 or less as the total of a single donor's contributions.

**30** Only one Conservative party candidate in Council District 19 participated in the public matching funds program. This same candidate ran on both Conservative and Republican lines in the primary. All contributions to this candidate are counted under the Conservative totals.

# Public Matching Funds Program Analysis

In furtherance of the purposes of the Campaign Finance Law, the CFB has since 1989 worked to counter corruption and undue influence in city government by reducing the influence of wealthy contributors and encouraging and amplifying small contributions in city election campaigns.<sup>31</sup> There have been many studies of the program's positive impact in boosting small-dollar contributions.

In addition, the CFB's mission statement includes reducing the barriers to running for office to ensure that local elections are fair, inclusive and open.<sup>32</sup> There has been a lack of research on how well the city's public financing program encourages and supports a diverse group of candidates running to represent their communities in public office. The reasons for this are due in large part to the absence of demographic data and the complexity in analyzing election results that may be produced by a myriad of factors besides the presence of a public financing program.

However, there exists data, which this Report will analyze below, concerning an issue related to the success of the program in providing equal access to its benefits—that is, whether first-time candidates can compete successfully with veteran candidates in qualifying for matching funds.

Our analysis will compare the outcomes of first-time payees (candidates who qualified for and received Board payments for the first time in 2021) with program veterans (candidates who received Board payments in a past election cycle as well as in 2021). It concludes that first-time candidates were as successful as veteran candidates in qualifying for and receiving matching funds. The analysis also shows the geographic distribution of first-time payees and concludes with some observations about the direction of future research on the program's impact on the diversity of candidates.

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**31** New York City Campaign Finance Board. "[Dollars and Disclosure: Campaign Finance Reform in New York City](#)." Sept 1990.

**32** NYC Votes. "[About Us](#)."

## Synopsis of Findings

This study compares the outcomes of council candidates who were first-time payees, or candidates who were paid matching funds by the CFB for the first time in the 2021 primary, and program veterans, or candidates who were paid matching funds by the CFB in the 2021 primary and a previous election cycle. Our results show that:

- Once candidates are able to meet the threshold and start receiving Board payments, there is no clear advantage to being a program veteran over being a first-time payee.
- Program veterans had slightly larger Board payouts, larger amounts of contributions matched by public funds, and more contributions from within New York City.
- First-time payees gave twice as much to their own campaigns as program veterans, received more contributions from family members, and received smaller average contributions. These differences could be explained more by higher name recognition of program veterans amongst potential voters than by Board rules.
- Program veterans had more contribution documentation-related invalid matching claims (IMCs) than first-time payees, who had more contribution source-related IMCs. There was no difference in the amount of overall IMCs between the two groups.
- The Council districts that had the most first-time payees tended to be higher-income and whiter than districts with less first-time payees on the primary ballot. Districts with the most participating Council candidates who were on the ballot but did not meet the threshold needed to receive public matching funds tended to concentrate in the extreme outer boroughs and upper Manhattan, although there was no correlation with demographic variables. This indicates that more research is needed on the barriers those candidates faced in meeting the threshold.

## Methodology

This analysis studies the pool of 2021 Council candidates in the primary election because there was a large pool of candidates operating under similar contribution, spending, and payment limits.<sup>33</sup> The 2021 election was particularly suited to this study because a large number of races were open-seat races as a result of term limits. Open-seat races, which have no incumbent, often encourage a large and diverse pool of candidates.<sup>34, 35</sup> Of the 240 Council candidates on the primary ballot who participated in the public matching funds program and received public funds, 194 of them (80.8%) were first-time payees (three of which were incumbents in their race) and 46 (19.2%) were program veterans (18 of which were incumbents). Our study focused only on contributions that could potentially be matched by public funds (any contribution from an individual New York City resident and one that is not from an organization)<sup>36, 37</sup>

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**33** Only two candidates in this study population chose to participate under Program B, which increases contribution limits from \$1,000 in Program A for Council candidates to \$2,850 for Council candidates, decreases the matching rate from \$8-to-\$1 to \$6-to-\$1, and decreases the maximum payment from \$168,888 for Program A to \$104,500 for Program B. Of the two candidates in Program B, one was a first-time payee and one was a program veteran.

**34** “The other significant factor driving high participation rates (and competition) is the city’s term limits law. Enacted by referendum in 1993, the law limited public officials to two four-year terms.”

Migally, Angela and Susan Liss. “[Small Donor Matching Funds: The NYC Election Experience.](#)” *Brennan Center for Justice*, 2009.

**35** For term limits, see New York City Charter § [50-1138](#).

**36** Each potential matched contribution has to come from a confirmed resident of New York City, and the Board will match up to \$175 from each unique contributor.

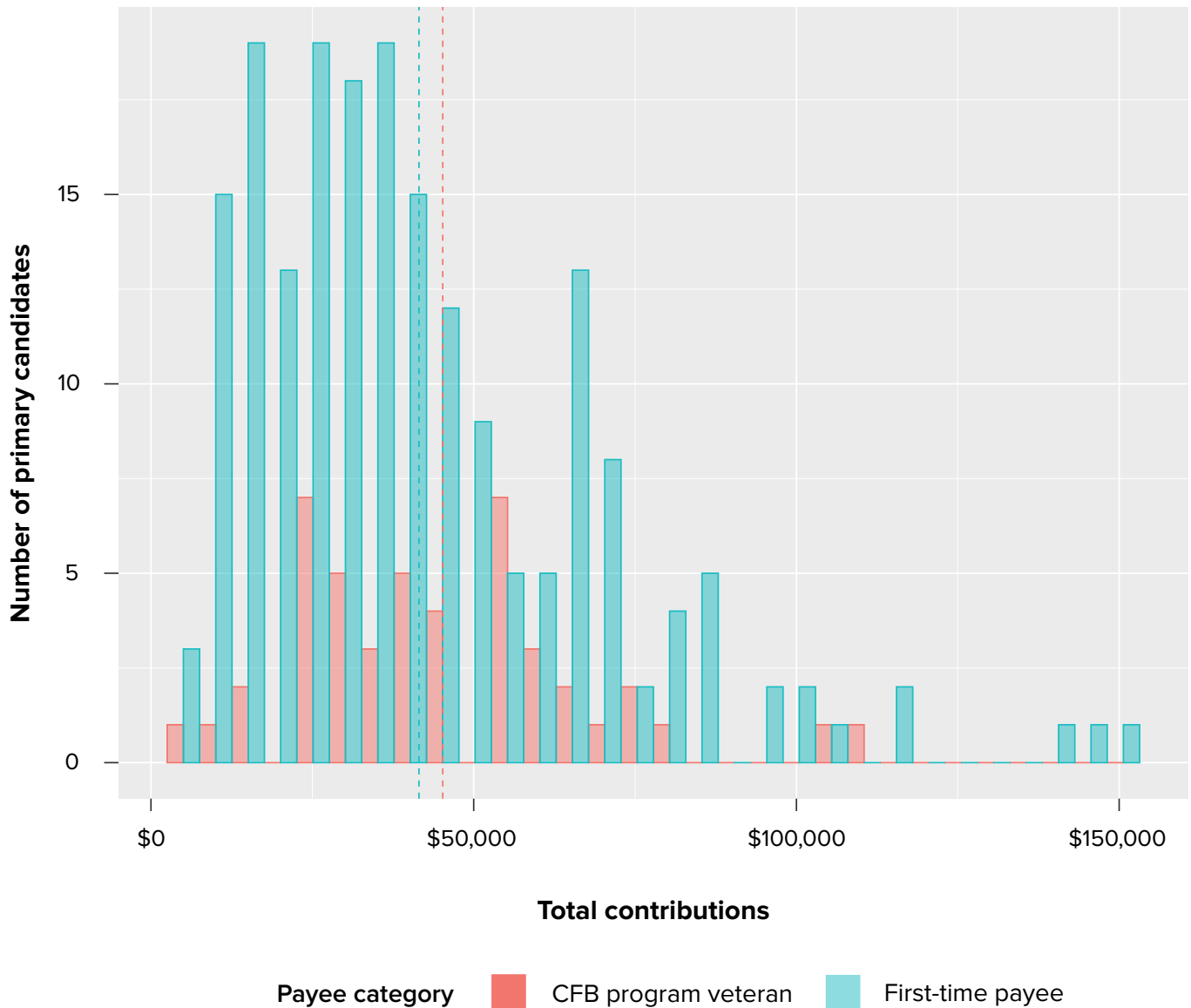
**37** To test for statistical differences between first-time payees and program veterans, we used either t-tests or two-proportions z-tests. In our footnotes, we note the p-value of each significant test. P-values (or probability values) are calculated for each test to describe how likely it is that the observed data would occur if there was no difference between the two groups. The lower the p-value, the less likely the observations would occur if there was no difference. A test with a calculated p-value of 0.05 or less is considered “significant” and tells us that there is a meaningful statistical difference between the two groups.

For candidates only on the primary ballot, we considered all contributions in every disclosure statement submitted by the candidate's campaign as contributions for the primary. For candidates on both the primary and the general election ballots, we considered contributions only from the campaign's first nine disclosure statements (dated December 2020 through July 2021) as contributions for the primary. We used this methodology to create a fair comparison between groups of candidates. Candidates only on the primary election ballot no longer receive public funds if they are not on the general election ballot, and generally stop fundraising as heavily (candidates who are not on the general ballot can continue to fundraise to cover their costs associated with winding down their campaign).

## **Findings**

Both first-time payees and program veterans raised about the same amount of dollars in individual contributions. First-time payee Council candidates raised an average of \$39,533, while program veterans raised an average of \$42,325, which was not a statistically significant difference. As seen in Figure 2.1, the shape of the distribution for total primary individual contributions in each group looks about the same, rising around the \$40,000-\$50,000 range and tapering off at around \$100,000. The dotted lines in the chart indicate the mean for each group, and show that the means are very close to each other.

**Figure 2.1** Frequency of total primary individual contributions for first-time payees and program veterans in 2021



Participating Council candidates are allowed to give up to \$3,000 to their own campaign under Program Option A, and up to \$8,550 under Program Option B. Like individual contributions, the Board will match up to \$175 for these contributions. Candidates' spouses and other family members may give up to \$1,000 in Program A and up to \$2,850 in Program B, and are also matched up to \$175 by the Board. The average amount a first-time payee candidate gave to their own campaign was almost twice as much as the average amount a program veteran gave to their own campaign, and this difference was statistically significant.<sup>38</sup> Contributions by a candidate's family members held the same pattern,<sup>39</sup> although there was no statistical difference between groups in giving by spouse.

Although first-time payees had about the same amount of total individual contributions as program veterans, the program veterans had larger payouts from the Board. The average primary payment (including early payments) for first-time payees was \$136,846 while the average primary payment for program veterans was \$150,865.<sup>40</sup> This difference was statistically significant.

Nearly half of first-time payees (48.2%) received the maximum payment possible from the Board during the primary (\$168,888 for Program A Council candidates, or \$104,500 for Program B Council candidates), and 55.6% of program veterans received the maximum payment during the primary. This difference between groups was not statistically significant.

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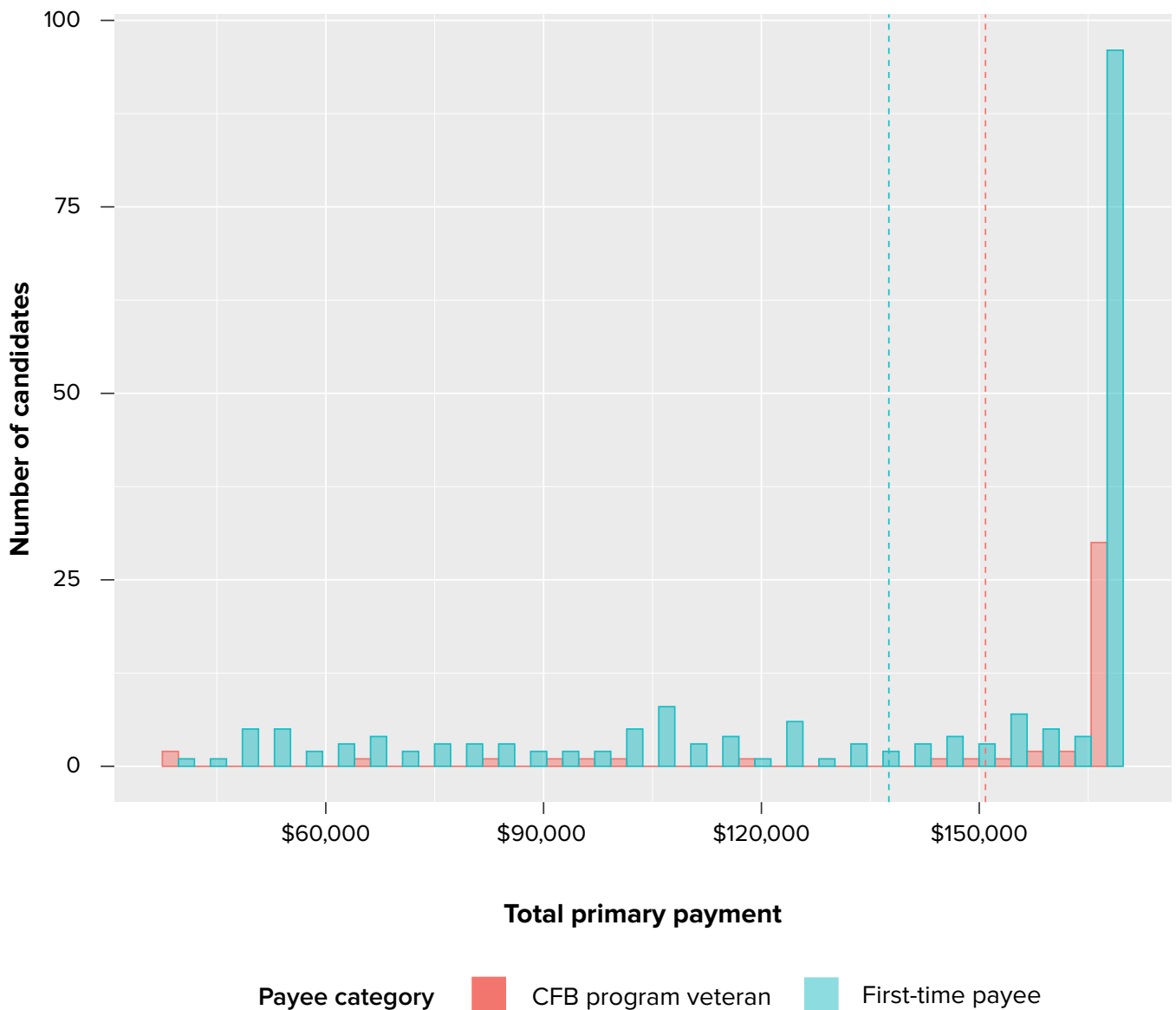
**38** First-time payees gave, on average, \$680 to their own campaign, while program veterans gave \$392. The p-value of this t-test was 0.02.

**39** First-time payees' family members gave, on average, \$313, while program veterans' family members gave \$165. The p-value of this t-test was 0.02.

**40** This difference was statistically significant with a p-value of 0.01.



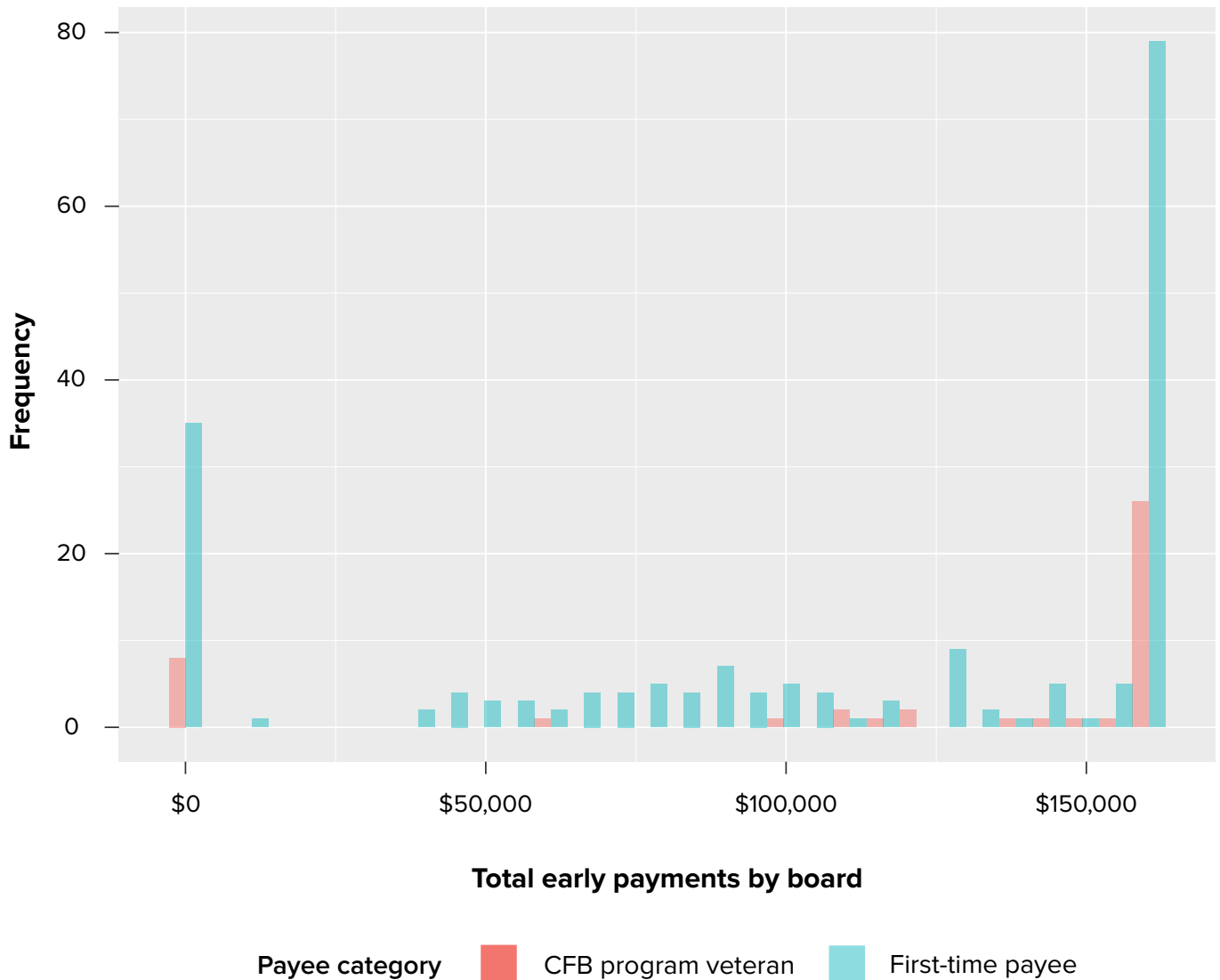
**Figure 2.2** Distribution of total primary payments to qualifying City Council candidates



The 2021 election was the first in which payments were available to candidates before the final ballot determinations were made. These early, pre-ballot matching funds payments made resources available to candidates as early as December 2020, six months before the primary election. There was no significant difference in the percentage of each group receiving early payment: 81.4% of first-time payees received at least one early payment, while 82.2% of program veterans received at least one early payment.

First-time payees received, on average, \$104,677 in total early payments, while program veterans received, on average, \$122,129. This difference was not statistically significant.

**Figure 2.3** Frequency of total early payment for the 2021 primary election



There was no statistical difference in candidate spending between groups. First-time payees spent an average of 64% of the spending limit for the primary (including out-year spending), while program veterans spent an average of 60% of the spending limit.

As noted above, research has confirmed that the CFB’s public matching funds program has, in fact, encouraged candidates to seek small contributions rather than rely on large donors. In this analysis, we find that first-time payees and program veterans had about the same percentage of small contributions of total individual contributions, indicating that both groups are fundraising in similar ways. We consider a small contribution to a Council candidate as the total amount of contributions from a unique contributor totaling no more than \$175 in the primary.<sup>41</sup> For first-time payees, the mean percentage of small contributions was 84.5% of total individual contributions, and for program veterans the mean percentage was 83.3%.<sup>42</sup>

Figure 2.4 shows separate plots for program veterans on the left and first-time payees on the right. This box plot is meant to display the relationship between the distribution of candidates and the percentage of small contributions they received. The boxes represent where 25% to 75% of the candidates’ small contributions are distributed between the two groups, and the horizontal line within the box represents the median percentage of small contributions. The “whiskers” on the box plot represent the remaining quartiles of the distribution of small contributions, and the dots below a box represent outliers in the data.

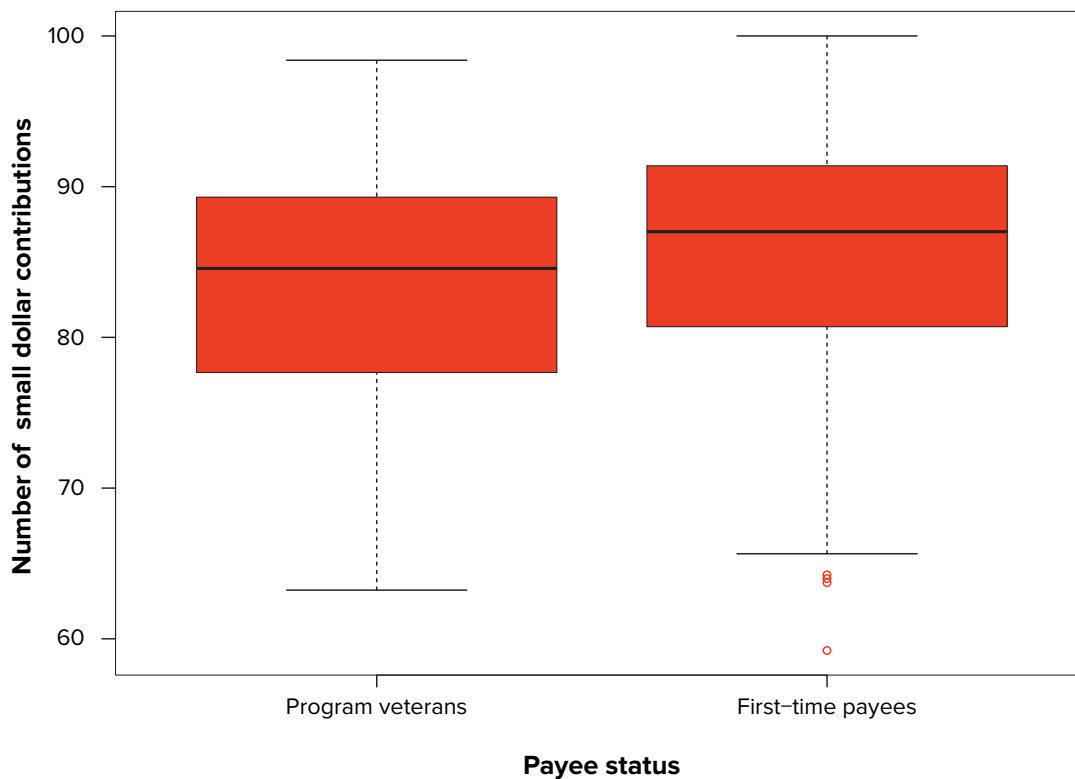
This box plot in Figure 2.4 shows us that the means for each group are close enough to each other that the test for difference between the two groups was not significant.

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**41** The CFB puts together an aggregate key based on the name and address of the contributor to determine matching rates and limits for the public matching funds program. We used this aggregate key to estimate small total contributions.

**42** This difference was not statistically significant.

**Figure 2.4** Distribution of small contributions by payee status



First-time payees received a smaller average contribution size, \$79, than program veterans, who received an average contribution size of \$99. This difference was statistically significant.<sup>43</sup>

In the CFB program, contributions to council candidates can be matched up to \$175 only if the contributor is a resident of New York City. First-time payees had a greater percentage of their total individual contributions coming from out of New York City. An average of 18.7% of total funds raised by first-time payees came from outside of New York City, while an average of 12.8% of total funds raised by program veterans came from outside of New York City.<sup>44</sup>

There was no statistical difference between the percentage of in-district contributions (contributions coming from residents of the district in which the candidate is running) a first-time payee received versus that of a program veteran. First-time payees had an average of 30.8% of

<sup>43</sup> P-value of 0.001.

<sup>44</sup> This difference was statistically significant, with a p-value of <0.001.

in-district contributions out of all their individual contributions, while program veterans had an average of 33.3%.

There was no statistical difference between the percentage of max contributions<sup>45</sup> between groups. First-time payees had an average of 1.1% of contributors who reached the contribution limit, and program veterans had an average of 1.4% of contributors maxing out their contributions.

The CFB will only match contributions that are from New York City residents, properly documented, and reported by campaigns in a timely manner. Invalid matching claims (“IMCs”) are individual contributions submitted by campaigns to be matched by public funds that were determined after review to be non-matchable under CFB rules.

The IMC codes are categorized into five topic areas: contribution source (“SRC”) IMCs are contributions from a non-matchable or prohibited source; contribution documentation (“DOC”) IMCs are contributions missing backup documentation or the backup documentation provided is incomplete; contribution reporting (“RPT”) IMCs are erroneous or incomplete reporting of contributions (e.g. when what is reported to the CFB is different from the backup documentation); contribution limit (“LMT”) IMCs are contributions that exceed the contribution limit; and other (“OTH”) IMCs are contributions that are considered invalid for reasons that don’t fit into the last four categories (e.g. the contribution was reported past the relevant disclosure statement filing deadline). Campaigns are notified of these IMCs with each disclosure statement filing and have an opportunity to correct any errors (e.g. by submitting backup documentation that was missing from the initial filing), and the IMC will be overridden if the new documentation supports matching the claim.

There was statistically no difference between groups in the percentage of invalid matching claims.<sup>46</sup> The most frequent reasons for contributions that cannot be matched include an address verification failure, a missing payment method on the contribution card, or a non-residential

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**45** The contribution limit for Council candidates in 2021 varied between \$1,000 and \$2,850, depending on which program the candidate chose to participate in (the new \$8-to-\$1 matching program, or the old \$6-to-\$1 matching program). Contributors who do business with the city have an individual contribution limit of \$250 for Council candidates.

**46** All IMCs, unless noted that they are “overridden IMCs” are IMCs that were not overridden and could ultimately not be matched. IMCs that were overridden are treated as valid matching claims.

address given by the contributor. First-time payees had an IMC rate of 4.1% and program veterans had an IMC rate of 4.3%.

There was no statistically significant difference in overridden IMCs between groups, indicating that neither group had to spend more time providing more documentation for IMCs than another group. First-time payees had an average of 59.5% of their IMCs overridden, while program veterans had an average of 65.1% IMCs overridden. The amount of contributions that were not overridden and could not be matched was also not significantly different between groups. First-time payees had an average of \$1,646 of invalid matching claims, and program veterans had an average of \$1,983 in invalid matching claims.

Although there was no statistical difference between groups in the rate of overall IMCs, there were differences in the rate of different types of IMCs between the two groups. Program veterans had more contribution documentation-related IMCs (30.8% of all IMCs for program veterans while contribution documentation-related IMCs comprised 14.3% of first-time payees' IMCs), while first-time payees had more contribution source-related IMCs (70.0% of all IMCs for first-time payees versus 46.2% for program veterans).

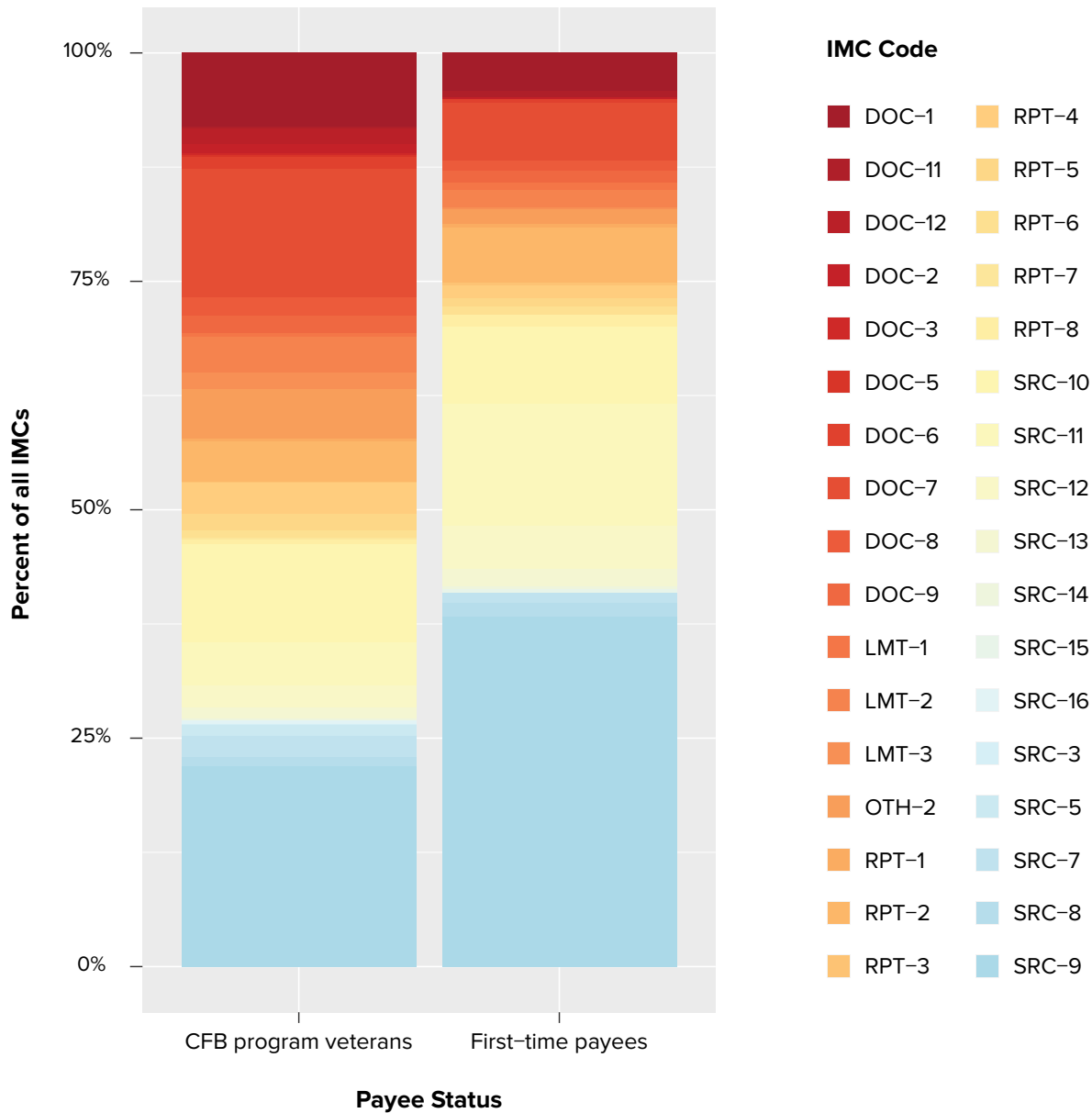
The most common type of documentation-related IMCs for both groups were "DOC-7" IMCs. DOC-7 IMCs are claims submitted with payment method information missing from the contribution card. However, 14.1% of program veterans' documentation IMCs were coded as "DOC-7" while they comprised 6.4% of first-time payees' documentation IMCs.

The most common contribution source-related IMC is "SRC-9", where backup documentation for credit card contributions indicates that the Address Verification System (AVS) check failed or was not performed. This was the most common IMC for both groups, with 21.9% of program veterans' IMCs as SRC-9, and 38.3% of first-time payees' IMCs as SRC-9. SRC-11, a credit card related IMC that happens when a reported address is not the billing address on the credit card, comprised 13.3% of first-time payees' IMCs while they only comprised 2.3% of program veterans' IMCs. However, program veterans had 8.0% of their IMCs comprised of DOC-1 IMCs, or contributions without backup documentation, while first-time payees had half that amount (4.0%).

Both groups had similar rates of SRC-10 IMCs, or contributions claimed for matching where the contributor had a nonresidential address (10.8% for program veterans and 8.4% for first-time payees). Additionally, 6.0% of first-time payees' IMCs and 4.4% of program veterans' IMCs were RPT-2 IMCs, or where a contributor did not give required employment information. Program

veterans had slightly more OTH-2 IMCs, or contributions disclosed after the appropriate statement filing deadline, with 5.4% compared to only 1.7% for first-time payees.<sup>47</sup>

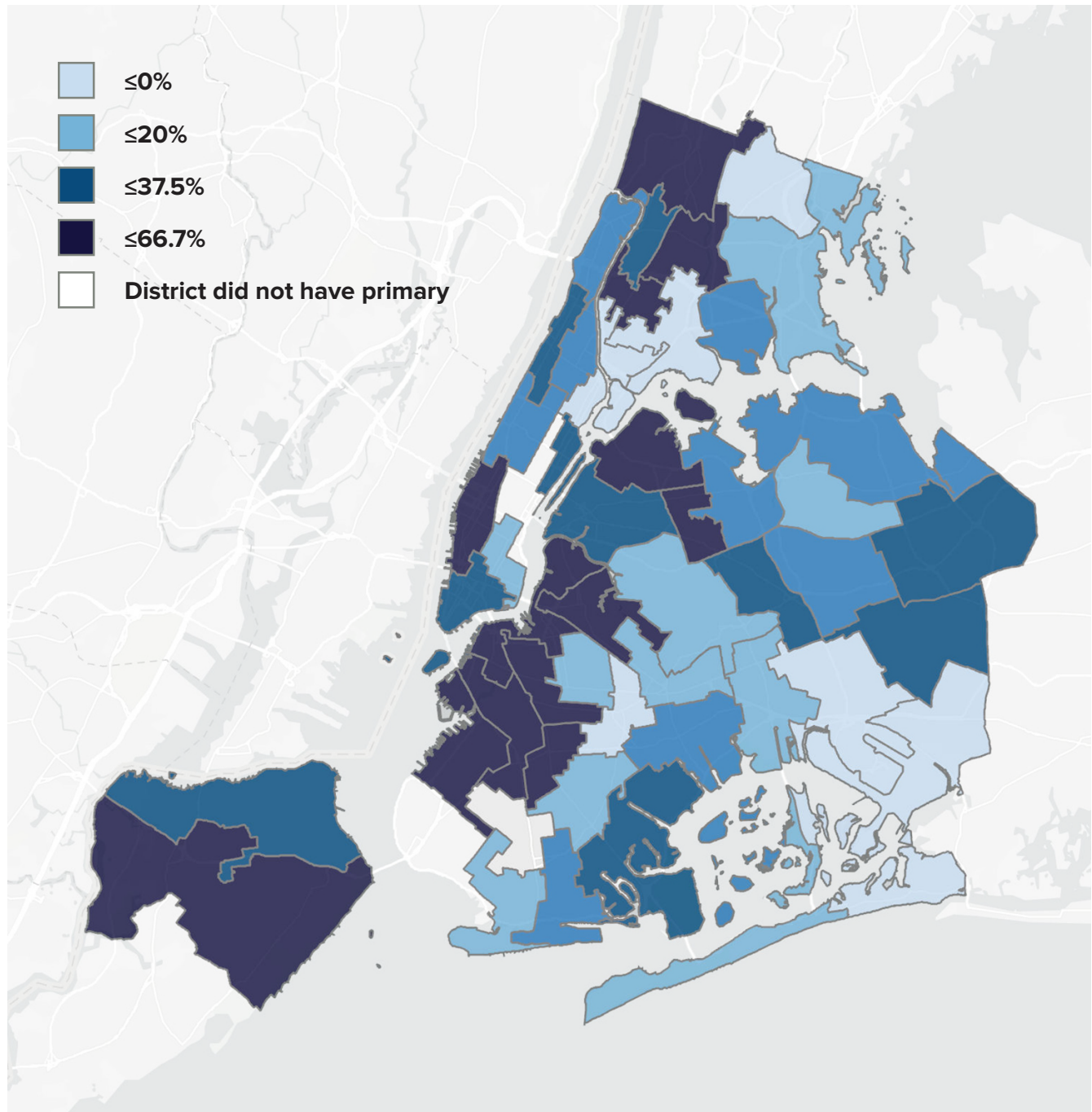
**Figure 2.5** Distribution of invalid codes by payee status



<sup>47</sup> See [Appendix](#) for a full list of 2021 IMC Codes by Payee Status.

## Geographic Analysis

**Figure 2.6** Concentrations of first-time City Council payees by council district in the 2021 primary





As noted above, candidates were not asked to self-report demographic information to the CFB. However, looking at the data through a geographic framework provides the ability to identify some demographic trends.<sup>48</sup> The percentage of first-time payees out of all Council candidates participating in the public matching funds program in a Council district is positively correlated with the percentage of white residents in the Council district.<sup>49</sup> It is negatively correlated with the percentage of households in the Council district with an annual income of \$75,000 or less,<sup>50</sup> and the percentage of residents with a high school degree or less.<sup>51</sup> This indicates that the majority of first-time payees are coming from areas of the city that are already highly privileged. The 2021 Council primary candidates from less privileged areas of the city seem to be more established candidates who have not only run campaigns in the past but have navigated the CFB's public matching funds program before as well. These correlations did not change when we removed districts with closed-seat races from the analysis.<sup>52</sup>

In order to receive public funds, Council participants must meet a two-part threshold. Council candidates must raise a minimum of \$5,000 of matchable funds (only the first \$175 of a New York City resident's total monetary contributions counts toward the threshold for City Council) and receive contributions of \$10 or more from a minimum of 75 in-district residents. When we look at the percentage of candidates on the ballot who participated in the CFB program and were on the ballot but did not meet the required thresholds to receive Board payment (around 40 candidates), we find a very different-looking map, as shown in Figure 2.7. The majority of the districts with the largest percentages of candidates not meeting the threshold are the Council districts in upper Manhattan and the outer boroughs. However, there was no correlation between the percentage of participants who did not meet the threshold and the demographic makeup of their Council districts.

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**48** We used Esri Living Atlas of the World layers to estimate American Community Survey demographic information for each Council district. U.S. Census Bureau, 2016–2020 American Community Survey 5-year estimates.

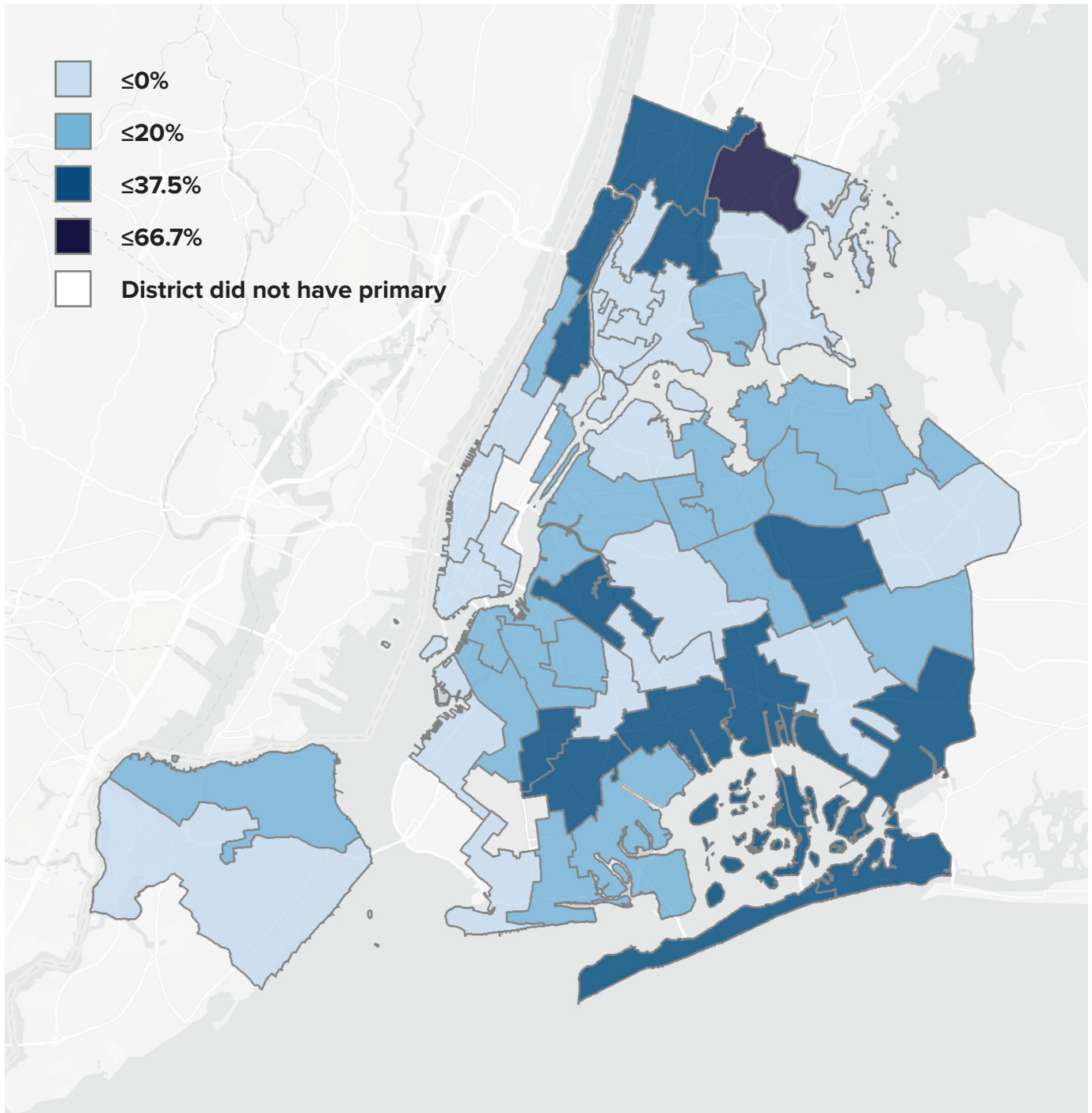
**49**  $r^2=0.392$ ,  $p\text{-value}=0.006$ .

**50**  $r^2=-0.33$ ,  $p\text{-value}=0.02$ .

**51**  $r^2=-0.33$ ,  $p\text{-value}=0.03$ .

**52** Percentage first-time payees ~ percentage white residents had an  $r^2=0.35$  with  $p\text{-value}=0.04$ ; Percentage first-time payees ~ percentage of households making \$75K or less had an  $r^2=-0.46$  with  $p\text{-value}=0.006$ ; Percentage first-time payees ~ percentage of residents with a high school degree or less had an  $r^2=-0.36$  with  $p\text{-value}=0.04$ .

**Figure 2.7** Percentage of participating Council candidates on the 2021 primary ballot who did not meet threshold



## Discussion

Overall, the majority of indicators we selected to test for equity between first-time payees and program veterans had no significant difference. This means that once candidates are able to meet the threshold and start receiving Board payments, there is no clear advantage to being a program veteran over being a first-time payee. While program veterans have larger Board payouts, larger amounts of contributions matched by public funds, and more contributions from within New York City, these small differences could be based on factors that are not controlled by Board rules, like candidate name recognition among constituents and potential voters. Differences in the distribution, but not the overall number, of IMCs between these two groups may indicate that changes to the program's training requirements may be needed in the future. More research is needed in order to understand why people from marginalized communities decide to run for office, and how first-time candidates experience the CFB's public matching funds program.

## Limitations

As with most research on elections, this study is limited in scope, and can only tell us about the 2021 election cycle. The conditions of each election are subject to the type of election it is (e.g. 2021 was a municipal election with many open-seat races; most comparable to the 2013 election cycle that took place a full 8 years prior), and the current issues and concerns, which can affect factors such as the number and diversity of candidates. A confluence of unprecedented conditions—a post-Trump election cycle, half of which was endured under pandemic conditions, and a primary election that included Ranked Choice Voting as a new way to vote—may have impacted candidates or potential candidates in a myriad of immeasurable ways. The 2021 election cycle also included legislative changes to the way the CFB's program matched funds and limited payment and contributions,<sup>53</sup> which makes it difficult to generalize in comparison to past election cycles.

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**53** [See the Policy & Legislative Recommendations section for more information about the CFB's program changes in election cycle 2021.](#)

## Takeaways and Next Steps

When discussing the benefits of a public campaign financing system, the nonpartisan law and policy institute, the Brennan Center for Justice, states that implementing such a system “enables more candidates from diverse backgrounds to run.”<sup>54</sup> Indeed, in their 2021 report, “Small Donor Public Financing Plays Role in electing Most Diverse New York City Council”, the Brennan Center found that of the woman and people of color who won City Council seats in 2021, 97% participated in the CFB’s public matching funds program and raised, on average, about the same amount of funds as their white male counterparts.”<sup>55</sup>

It is clear that the CFB’s program encourages participating candidates to pursue small-dollar donations from many contributors instead of relying on a smaller number of large donations.<sup>56, 57</sup> However, demonstrating the ways in which the program helps increase and support candidates from marginalized communities in New York City is a more complicated task. The CFB has never asked candidates to report their demographic information, and it is therefore not possible to analyze the diversity of candidates over time.

There may be other ways to further research the impact of public matching funds. New York State has begun to implement a public matching funds program for candidates running for state legislature and statewide offices. In return for agreeing to contribution limits, candidates for statewide office will receive a \$6-to-\$1 match for contributions from New York State residents, while legislative offices will receive a tiered match for contributions from their districts, ranging from a \$12-to-\$1 match for the first \$50 to an \$8-to-\$1 match for the last \$100. The state will match up to \$250 of a contribution for all offices. Observing the emergence of a new public matching funds program will allow for a better understanding of whether a public matching funds program is an incentive to run for office for a diverse set of candidates, and whether it helps candidates

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<sup>54</sup> Brennan Center for Justice. “Public Campaign Financing.”

<sup>55</sup> Clark, Gregory, Hazel Millard, and Marianna Paez. “[Small Donor Public Financing Plays Role in Electing Most Diverse New York City Council](#).” *Brennan Center for Justice*, 05 Nov 2021.

<sup>56</sup> Migally, Angela and Susan Liss. “[Small Donor Matching Funds: The NYC Election Experience](#).” *Brennan Center for Justice*, 2009.

<sup>57</sup> Malbin, Michael J., Peter W. Brusoe, and Brendan Glavin. “[Small Donors, Big Democracy: New York City’s Matching Funds as a Model for the Nation and States](#).” *Election Law Journal: Rules, Politics, and Policy*, Mar 2012. Pp 3–20.

run a viable campaign. The public matching funds program in New York State elections begins in November 2022 for 2024 and 2026 campaigns.<sup>58</sup>

In a 2014 discussion with the Committee for Economic Development, the CFB's Executive Director, Amy Loprest, acknowledged that there has never been a systematic study of the impact the public matching funds program has on the diversity of elected officials and candidate pools in city offices,<sup>59</sup> and that is still true today. To better serve this goal, the CFB will implement a voluntary self-reported demographics form for candidates registering with the CFB. This will allow us to study the demographics of candidates registering for and participating in our program, and their associated outcomes in the election cycle. This will also allow us to implement changes to our program that improve the equity we strive for in our mission statement.

The CFB is also interested in increasing our qualitative data collection to inform improvements in our elections and voting policy recommendations. Talking to candidates about their experiences with fundraising and the matching funds program is an important way to evaluate our program's effectiveness and user experience.

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**58** Brennan Center for Justice. "[Guide: New York State's New Small Donor Public Financing Program.](#)" 18 Dec 2020.

**59** Committee for Economic Development. "[Small Donor Public Matching Funds Program: New York City Program Participation Success and the Threat of Outside Spending.](#)" 27 Mar 2014.



# NYC Votes Contribute Analysis

This study is an analysis of the NYC Votes Contribute platform, an online credit card processing platform created by the CFB as a public resource to serve candidates for city office. Our results indicate that Contribute is working as intended:

- In the 2021 election cycle, nearly all (93.9%) candidates used the platform.
- The platform's use spanned across all offices, although Contribute was slightly less popular among Mayoral candidates with 61.9% of these candidates using the platform.
- There was no difference in Contribute use among incumbents vs. non-incumbents, or winning candidates vs. losing candidates.
- Public funds recipients were particularly likely to use Contribute with 98.8% of these candidates using the platform.
- The median contribution size made through Contribute (\$50) was double the median contribution size made through other credit card platforms (\$25).
- Contributions under \$25 were less common on Contribute compared to other credit card platforms, which we attribute to the omission of a pre-set suggested \$10 contribution option.
- Only 2.8% of contributions made through Contribute were deemed ineligible for match, compared to 7.9% of contributions made through other credit card platforms. Candidates who received more of their contributions through Contribute were also less likely to accept prohibited contributions, such as contributions from unregistered political committees. These findings indicate that Contribute facilitates compliance with the NYC Campaign Finance Act and helps candidates avoid documentation errors, making Contribute a valuable tool for all candidates.

## Background

In 2021, credit cards were the most commonly used contribution method, and comprised 86.4% of all individual contributions to all candidates, as shown in Figure 3.1. These were spread out across almost every candidate on the ballot, as 98.5% of candidates received credit card contributions. Since a majority of campaigns collect credit card contributions, they must become very familiar with the CFB’s credit card documentation and disclosure requirements that confirm contribution sources for public funds.

Campaigns are required to open a merchant account separate from their bank account, according to CFB Rules. For each contribution received, campaigns must collect the first and last name, residential address, employment information, and credit card data.<sup>60</sup> The website or platform must also provide an opportunity for contributors to attest to a contribution affirmation statement. Both requirements help confirm the source of the contribution. Campaigns must also provide proof of processing, the merchant account statements, and the merchant account agreement. Opening a merchant account and then finding and configuring a credit card platform that provides the ability for campaigns to meet these requirements has long been a cumbersome process and in some cases could jeopardize a campaign’s eligibility for matching funds if not done correctly.

To streamline this process, the CFB launched NYC Votes Contribute in 2013.<sup>61</sup> NYC Votes Contribute is a one-of-a-kind online credit card processing platform created as a public resource to serve all candidates for city office. With Contribute, candidates no longer have to manually enter every piece of information required for compliance disclosure. Some documents are automatically delivered to the CFB; others are sent by campaigns at the push of a button. Campaigns are still able to use other credit card processing platforms if they prefer, and some choose to use Contribute to supplement their fundraising efforts on another platform. However, unlike other platforms, Contribute is built specifically to help ensure contributions raised through the platform are consistent with New York City’s campaign finance law. For instance, it prohibits contributions that exceed the legal limit, and it collects the information required to comply with the city’s “doing business” law limiting contributions from lobbyists, contractors, and others who benefit from city contracts.

In addition to reducing compliance work, Contribute also anticipated a shift in donor behavior: the rise in credit card contributions. Since the 2001 elections, credit card contributions have steadily

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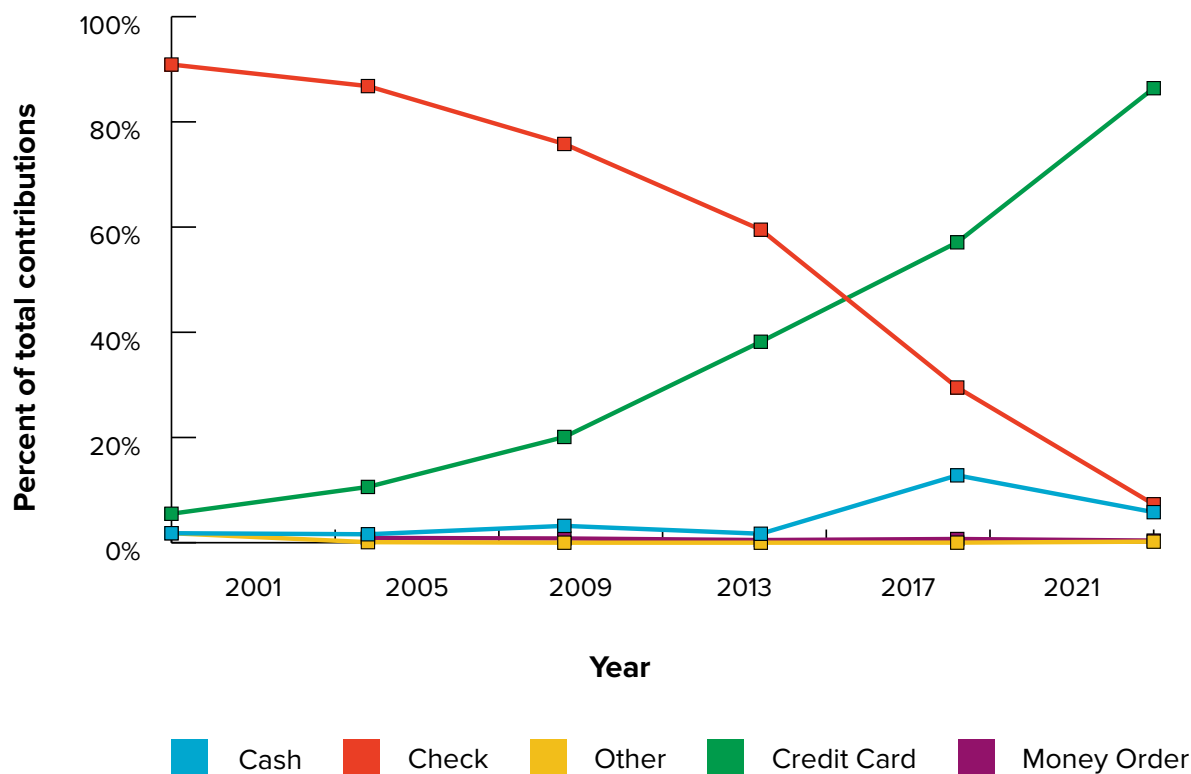
<sup>60</sup> [Board Rule 4-01\(b\)\(ii\)\(A\)\(4\).](#)

<sup>61</sup> New York City Campaign Finance Board. “[NYC Votes Contribute](#).”



increased in city elections, as shown in Figure 3.1. At the time, checks were the dominant method, accounting for 90.9% of all donations. It was not until the 2015 election cycle when credit cards took over as the dominant contribution method, two years after Contribute launched. By 2017, most contributions were made by credit card (57.1%) with the second-highest method being check (29.5%). In 2021, the percentage of contributions by credit cards continued to climb (86.4%), and the gap between credit card contributions and check contributions (7.3%) continued to increase. This closely follows national trends around consumer payment choice preferences. Until 2007, checks were the most commonly used non-cash payment option in the U.S. by number of transactions.<sup>62</sup> Debit cards and credit cards surpassed checks in 2007 and 2009 respectively, while the use of checks has steadily declined.

**Figure 3.1** Percentage of number of contributions by contribution method in 2001–2021<sup>63</sup>



<sup>62</sup> Board of Governors of the Federal Reserve System. “[The 2019 Federal Reserve Payments Study](#).”

<sup>63</sup> This analysis includes monetary contributions from individuals to all candidates, including candidates who terminated their campaigns prior to the election.

When looking at contributions by dollar amount, there is a similar shift towards credit card contributions; however, the gap between credit card and check use is slightly smaller. This also matches national trends. Until 2012, checks were the highest non-cash payment type by value.<sup>64</sup> A report released by the Federal Reserve Bank of Atlanta on the use of personal checks offers reasons why this may be happening. Consumers are more likely to use checks for higher-dollar payments including rent, utilities, and charitable donations.<sup>65</sup> This observation also holds true for campaign contributions in New York City: Contributions by check are generally larger than other forms of payment, as seen in Figure 3.2. The median contribution size for checks is twice as large as for credit card contributions and five times as large as for cash contributions.

Though consumers continue to use checks for larger payments, one goal of the public matching funds program is to encourage small-dollar contributions in citywide elections. That is why it is important to make it easier to give with the methods more New Yorkers use to make small-dollar contributions: cash and credit cards.

**Figure 3.2 Median contribution size by contribution method in 2021<sup>66</sup>**

Contribution Method	Median Contribution Size
Cash	\$20
Check	\$100
Credit Card	\$50
Money Order	\$100
Other <sup>67</sup>	\$102

<sup>64</sup> Ibid.

<sup>65</sup> Greene, Claire, Marcin Hitzenko, Brian Prescott, and Oz Shy. “[U.S. Consumers’ Use of Personal Checks: Evidence from a Diary Survey](#).” *Federal Reserve Bank of Atlanta*, 10 Feb 2020.

<sup>66</sup> In this table and in all further analyses, only monetary contributions from individuals to candidates on the ballot are included.

<sup>67</sup> ‘Other’ includes wire transfers or miscoded contributions. These make up a very small percentage of overall contributions.

## Cash and Small-Dollar Contributions

Most cash donations in New York City are small-dollar contributions. This is consistent with preferences stated in a national study. Respondents reported that they made 47% of payments under \$10 and 40% of payments between \$10 and \$25 with cash.<sup>68</sup> People who are reliant on cash make up a significant portion of those making small cash payments, including people who are unbanked. Being unbanked means that a person does not have a checking or savings account at a bank or credit union.<sup>69</sup> There are also the underbanked, those who have bank accounts but are reliant on alternative financial services including money orders, cash checking services, or payday loans and advances because they are excluded<sup>70</sup> from traditional services.<sup>71</sup>

According to the Department of Consumer and Worker Protection, 9.4% of New York City households are unbanked. This is significantly higher than the national average of 5.4%.<sup>72</sup> New York City neighborhoods that lack internet access and brick-and-mortar bank branches have higher concentrations of unbanked households. For the unbanked, underbanked, and others who prefer cash, it is important to ensure that the CFB's contribution systems are still accessible to them—even though cash contributions can be difficult to document. The CFB continues to work to balance the challenges of verifying the source of cash contributions with understanding the importance of them to the unbanked and underbanked.

NYC Votes Contribute usage exists within a wider shift to more digital banking methods. Across the U.S., the use of mobile banking as a primary access method has increased from 9.5% in

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**68** Kim, Laura, Raynil Kumar, and Shaun O'Brien. "[2020 Findings from the Diary of Consumer Payment Choice](#)." *Federal Reserve Bank of San Francisco*, 31 Jul 2020.

**69** Federal Deposit Insurance Corporation (FDIC). "[How America Banks: Household Use of Banking and Financial Services](#)." 17 Dec 2021.

**70** This exclusion can include not meeting minimum financial requirements, unemployment or underemployment, physical distance from financial services, or forms of discrimination.

**71** Board of Governors of the Federal Reserve System. "[Economic Well-Being of U.S. Households in 2021](#)." May 2022.

**72** NYC Department of Consumer and Worker Protections. "[Where Are the Unbanked in NYC?](#)" 09 Jul 2021.

2015 to 34.0% in 2019.<sup>73</sup> In 2021, 82% of people used some form of digital payment, including online purchases and person-to-person payments (PayPal, Cash App).<sup>74</sup> This shift prioritizes the convenience of those who already have access to traditional banking while expanding the gulf that stands between those who are cash-reliant and financial inclusion. As many people and organizations become more reliant on technology-focused methods, it is important to remember who is excluded from these systems and how this can continue long-standing forms of exclusion.<sup>75</sup>

Contribute was created to help campaigns with compliance and support matching funds eligibility, a goal that the agency can continue to strive for with improvements to the platform. It is also a goal that makes cash look riskier. Cash does not have a paper trail, which is why cash donations are capped at \$100 and donors are required to submit a contribution card with their donation.<sup>76</sup> Despite the inherent anonymity that comes with cash, it is the one contribution method every New Yorker can access, which differentiates it from other forms of inherently anonymous contributions. ([For more discussion of the risks of various contribution methods, please see the Policy & Legislative Recommendations section on cryptocurrency contributions.](#))

There is also always space to improve the Contribute platform. Contribute has consistently received praise from candidates. In the CFB's 2021 post-election survey, 82.4% of respondents said they were 'Likely' or 'Very likely' to recommend the platform to other campaigns.<sup>77</sup> The most common reasons campaigns cited for using Contribute were the convenience of collecting contributions and the simplification in reporting. Campaigns also included feedback on how Contribute can improve to meet the shifts in credit card donation patterns. In conjunction with information from this report, the CFB will be using feedback from campaigns to ensure Contribute continues to be a valuable resource for campaigns.

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**73** Federal Deposit Insurance Corporation (FDIC). "[How America Banks: Household Use of Banking and Financial Services](#)." 17 Dec 2021.

**74** Goel, Vaibhav, Deepa Mahajan, Marie-Claude Nadeau, Owen Sperling, and Stephanie Yeh. "[New trends in US consumer digital payments](#)." *McKinsey & Company*, Oct 2021.

**75** Shanahan, Ed and Jeffery C. Mays. "[New York City Stores Must Accept Cash, Council Says](#)." *The New York Times*, 23 Jan 2020.

**76** New York City Campaign Finance Board. "[Contribution Card](#)."

**77** N=51.

As more campaigns use Contribute for credit card contributions, it is important to understand the platform's current usage. To identify strengths and potential limitations of the platform, the CFB conducted an empirical analysis of data generated by Contribute. The following section includes analysis on:

- The frequency of use of the platform,
- Categories of candidates who use the platform,
- Contribution sizes via the platform,
- Use of alternative credit card platforms, and
- Compliance with CFB requirements among Contribute users.

## Candidates Using NYC Votes Contribute

Contribute use among candidates surged in 2021, with nearly all candidates who appeared on the ballot using the platform (93.9%), compared to 80.4% of all candidates in 2017.

**Figure 3.3** Contribute use in 2017 and 2021<sup>78</sup>

	2017	2021
<b>Number of Contribute users</b>	156	383
<b>Percentage of candidates using Contribute</b>	80.4%	93.9%
<b>Percentage of contributions made through Contribute</b>	24.2%	33.4%

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<sup>78</sup> Six campaigns participated in an early version of the platform and used it to raise funds in the 2013 election. For more information, see the [2013 Post Election Report](#).

There were an additional 19 candidates not included in Figure 3.3 who set up a Contribute account in 2021 but did not receive any contributions via Contribute. Of those candidates, seven received at least one contribution from a different pay method, with three of those candidates receiving credit card contributions from a different platform.

Contribute use has especially increased among City Council candidates. In 2021, 96.4% of City Council candidates used Contribute, compared to 80.7% in 2017. In 2021, Contribute was more popular among City Council candidates than Mayoral candidates (Figure 3.4). This is likely at least in part because Contribute is a free platform while other platforms charge fees, and City Council candidates have lower spending limits than Mayoral candidates. However, notably, the candidate who received the most contributions through Contribute was Mayoral candidate Eric Adams.

**Figure 3.4** Contribute use by office in 2017 and 2021

	2017	2021
<b>Mayor</b>	<b>77.8%</b> (7 of 9 candidates)	<b>61.9%</b> (13 of 21 candidates)
<b>Public Advocate</b>	<b>83.3%</b> (5 of 6 candidates)	<b>80%</b> (4 of 5 candidates)
<b>Comptroller</b>	<b>50.0%</b> (1 of 2 candidates)	<b>100%</b> (13 of 13 candidates)
<b>Borough President</b>	<b>81.8%</b> (9 of 11 candidates)	<b>89.5%</b> (34 of 38 candidates)
<b>City Council</b>	<b>80.7%</b> (134 of 166 candidates)	<b>96.4%</b> (319 of 331 candidates)

There are several plausible explanations for Contribute’s increasing popularity. For one, the increasing popularity of credit cards, discussed in the previous section, gives candidates greater incentive to use the platform. Another factor is the COVID-19 pandemic, which has made in-person events rare, leading most campaigns to focus almost entirely on digital and online fundraising. The platform has also likely gotten positive word of mouth from candidates who used it in 2017.

## Types of Candidates Using NYC Votes Contribute

We investigated whether City Council candidates who used Contribute were more or less likely to be:<sup>79</sup>

- Winning candidates,<sup>80</sup>
- Incumbents,
- First-time payees,<sup>81</sup> or
- Recipients of public funds.

We also analyzed whether the types of candidates who are more likely to use Contribute have remained consistent since 2017.

There is no clear relationship between election outcomes and whether candidates used Contribute. In 2017, a smaller proportion of winning candidates used Contribute than losing candidates, but in 2021, the trend reversed with a higher proportion of winning candidates than losing candidates using the platform (Figure 3.5). The difference was statistically insignificant in both years. This indicates that there is likely no difference in the likelihood of winning and losing candidates using Contribute.

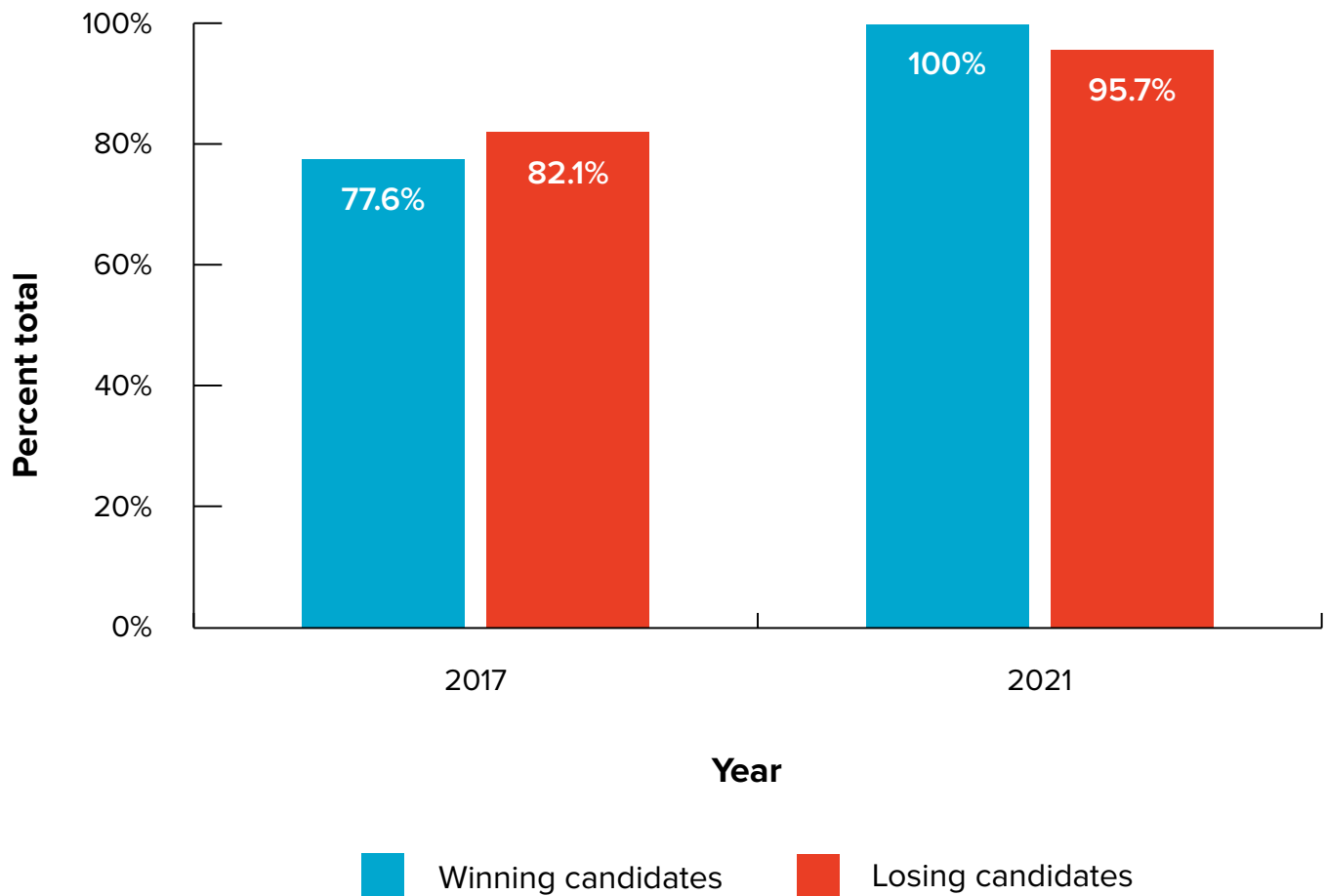
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**79** Only City Council candidates are included in this analysis because Contribute use varies by office, indicating that office sought may be a confounding variable.

**80** Candidates who won the general election.

**81** Candidates who received public funds for the first time in 2021.

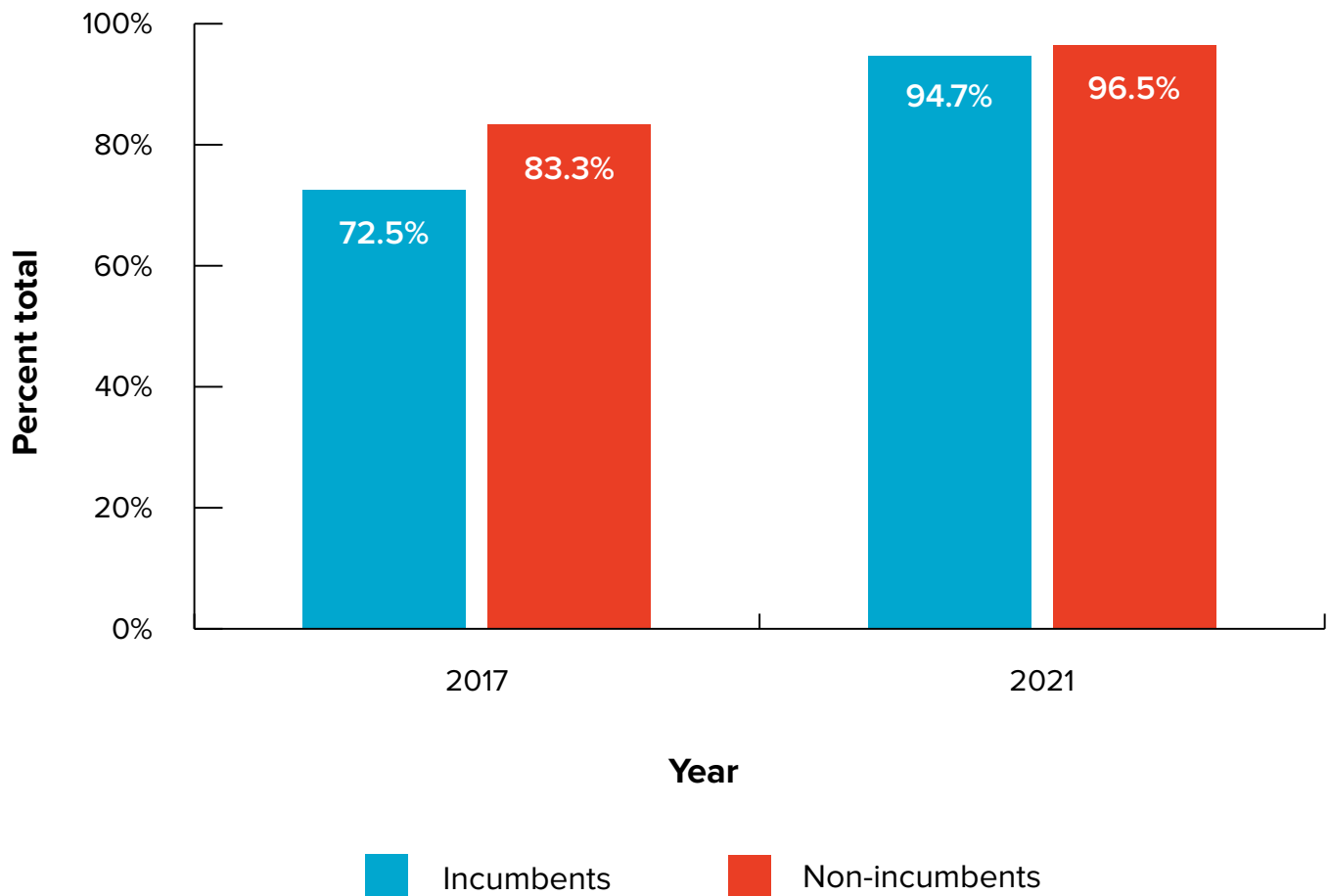
**Figure 3.5** Contribute use among winning and losing City Council candidates in 2017 and 2021



We did not find evidence to suggest that incumbents are less likely to open a Contribute account than non-incumbents. In both 2017 and 2021 a smaller amount of incumbents than non-incumbents used Contribute, but the difference was not statistically significant. (Figure 3.6).



**Figure 3.6** Contribute use among incumbent and non-incumbent City Council candidates in 2017 and 2021

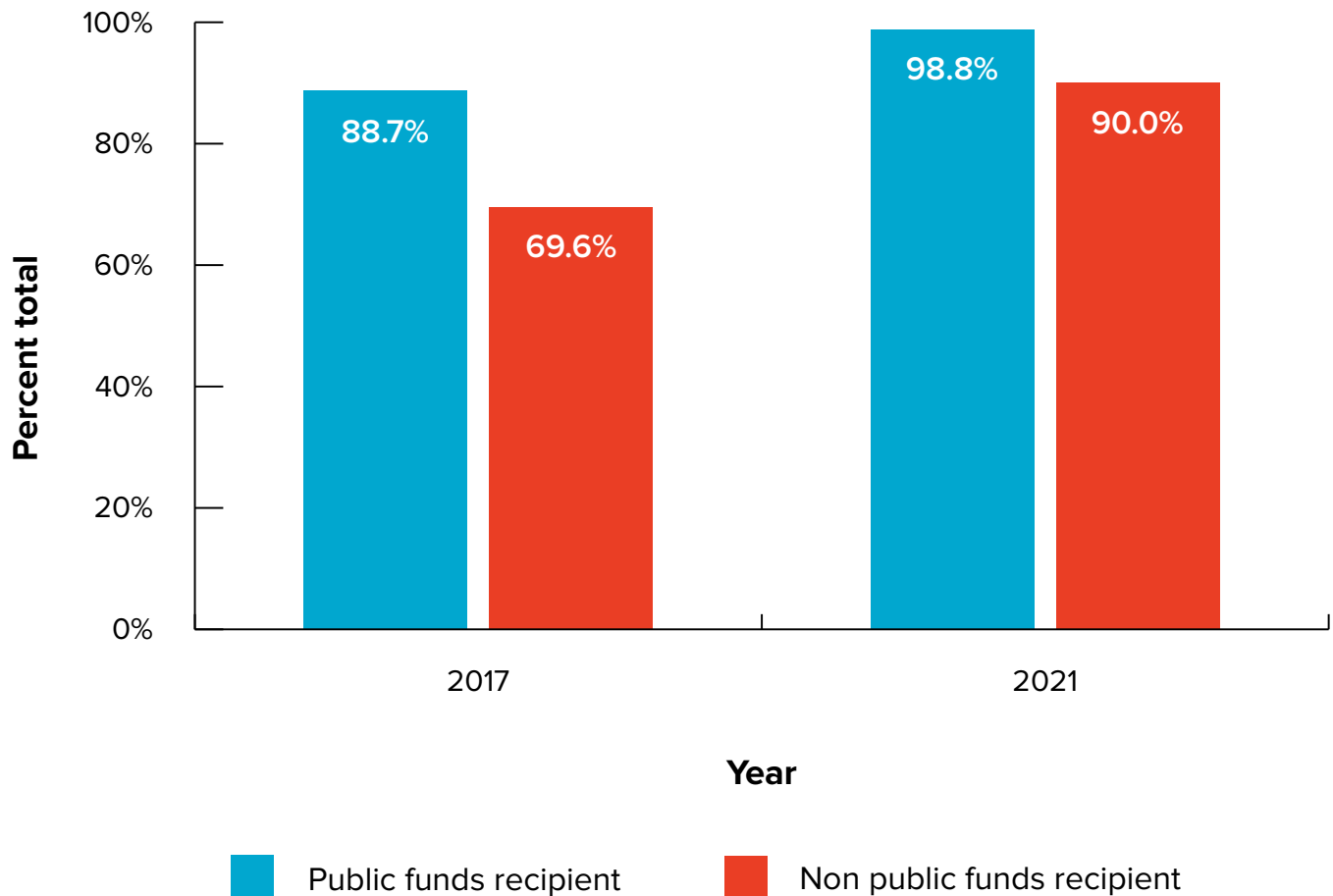


We found evidence to suggest that candidates who received public funds were more likely to use Contribute than candidates who did not receive public funds (Figure 3.7). In both 2017 and 2021, a substantially higher proportion of candidates who received public funds used Contribute compared to candidates who did not receive public funds. The difference was statistically significant in both 2017<sup>82</sup> and 2021.<sup>83</sup>

**82** P-value < 0.01.

**83** P-value < 0.01.

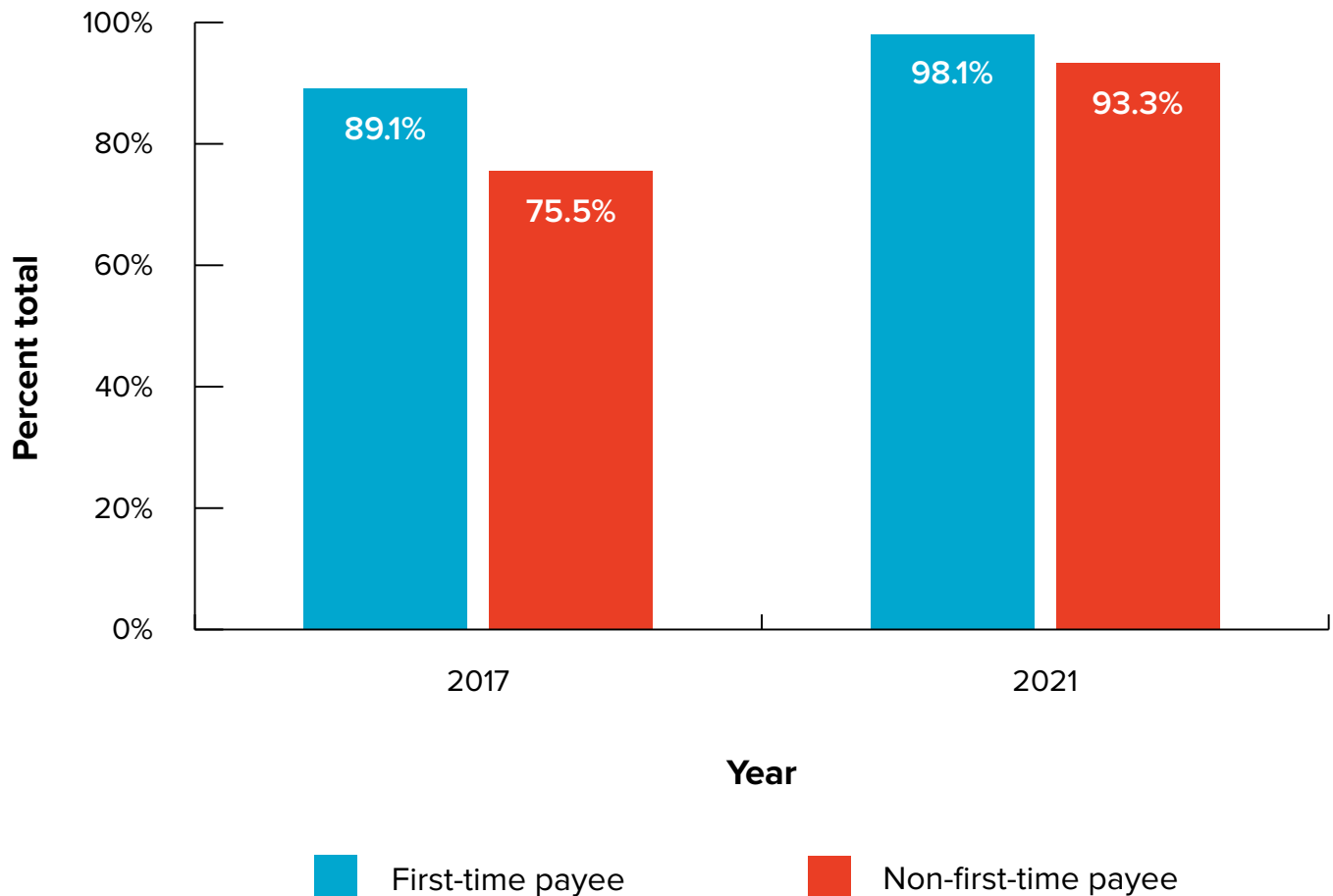
**Figure 3.7** Contribute use among City Council public funds recipients and nonrecipients in 2017 and 2021



We also found some evidence that candidates who received public funds for the first time in 2021, or first-time payees, were more likely to use Contribute than candidates who were not first-time payees (Figure 3.8). This was true in both 2017 and 2021. However, the differences were only somewhat statistically significant.<sup>84</sup>

<sup>84</sup> P-value = 0.05053 for 2017 and P-value= 0.05404 for 2021.

**Figure 3.8** Contribute use among first-time payee and non-first time payee  
City Council candidates in 2017 and 2021



### Candidate Fundraising using NYC Votes Contribute

Contributions made through Contribute are generally larger than those (of all contribution types) not made through the platform. In 2021, the median contribution size made through Contribute was \$50, while the median contribution size not through Contribute was \$30. The median contribution size to candidates who use Contribute (\$50) was also higher than the median contribution size to candidates who do not use Contribute (\$30).

**Figure 3.9** Median contribution size by office in 2021

	Contribute User	Non Contribute Users
<b>Mayor</b>	\$35	\$25
<b>Public Advocate</b>	\$25	\$25
<b>Comptroller</b>	\$50	—
<b>Borough President</b>	\$75	\$50
<b>City Council</b>	\$50	\$50
<b>All Offices</b>	\$50	\$30

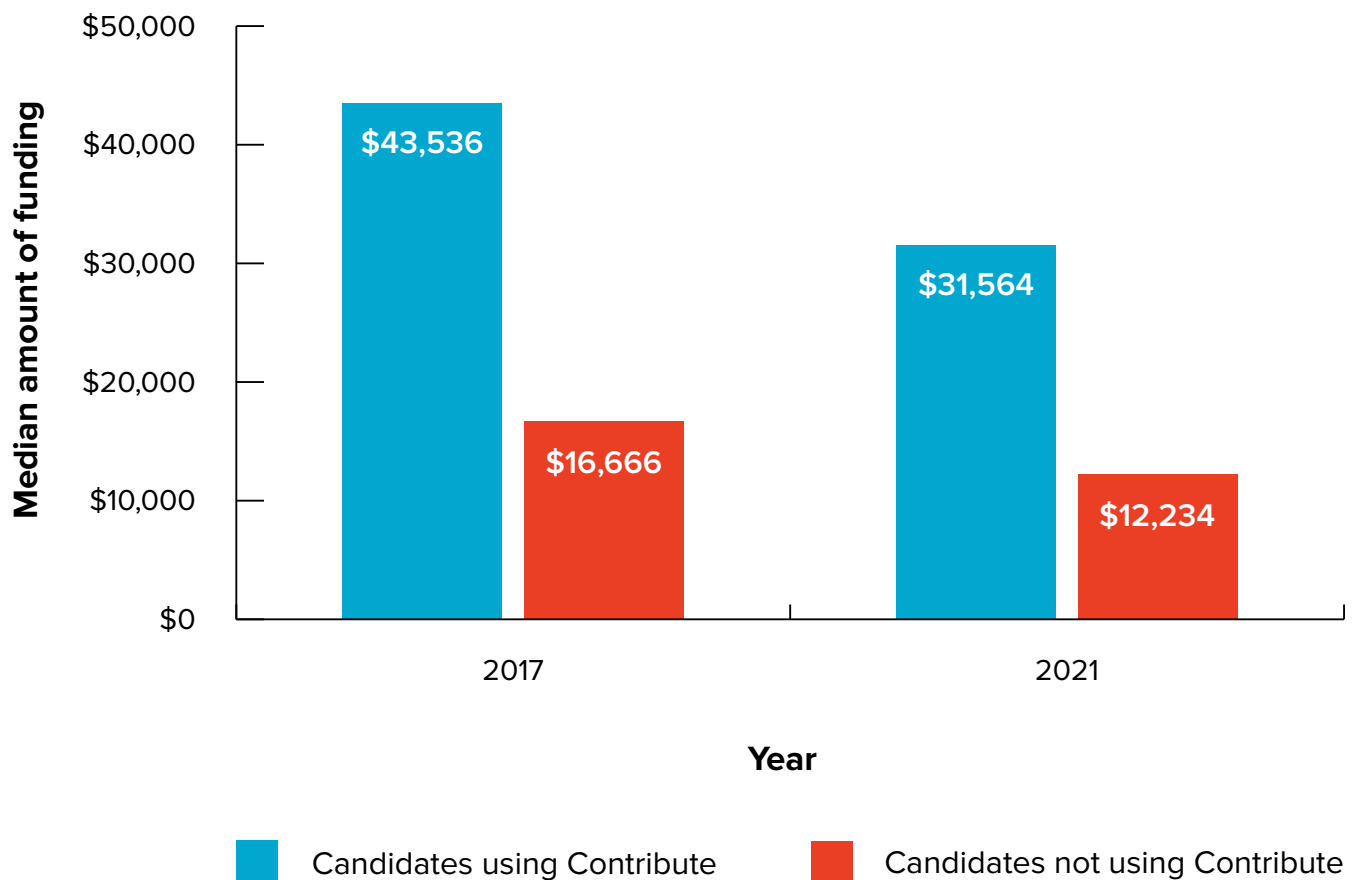
The difference in median contribution size between those made through Contribute and those not through Contribute is even more pronounced when we exclude non-credit card contributions. The median credit card contribution size not made through Contribute in 2021 was \$25—exactly half of the median contribution size for contributions made through Contribute.

In both 2017 and 2021, City Council candidates who used Contribute generally received considerably more donations than City Council candidates who did not use the platform in both 2017 and 2021 (Figure 3.10).<sup>85</sup> While this may indicate that the Contribute platform is helping candidates fundraise more, there are likely confounding factors. For example, candidates who use Contribute may also be more likely to also use other campaign tools that aid in fundraising, like targeted voter files or lists.

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<sup>85</sup> Only City Council candidates are included in this analysis because Contribute use varies by office, indicating that office sought may be a confounding variable.

**Figure 3.10** Median overall funding from contributors for City Council candidates

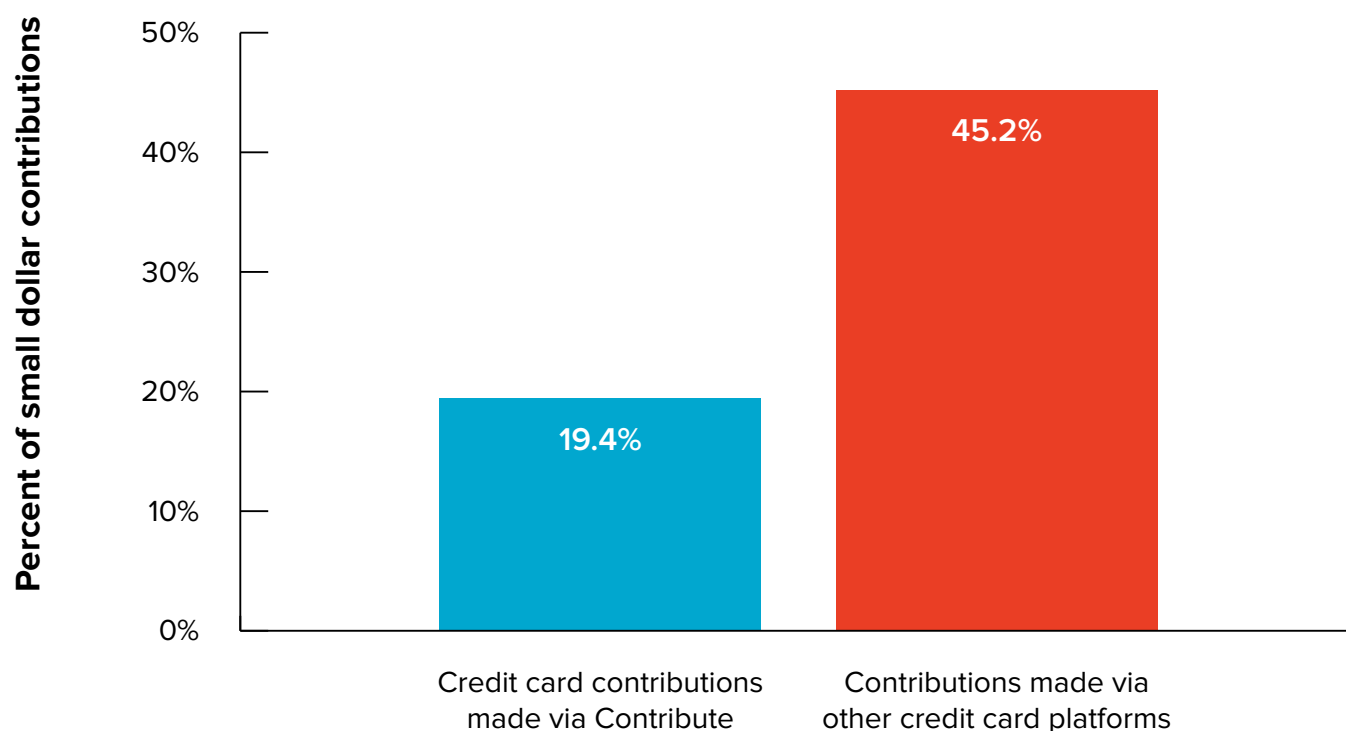


We found that contributions made to City Council candidates<sup>86</sup> through Contribute are less likely to be under \$25 than contributions made through other credit card platforms (Figure 3.11).<sup>87</sup>

<sup>86</sup> Only City Council candidates are included in this analysis because small-dollar contributions may vary by office sought.

<sup>87</sup> P-value < 0.0001.

**Figure 3.11** Proportion of contributions \$25 and under to City Council candidates



This finding is likely related to the high default suggested contribution amounts on the Contribute platform. By default, each candidate page on the Contribute site shows pre-set suggested contribution amounts for \$25, \$50, \$75, \$100, or \$175 (Figure 3.12). Contributors can enter different amounts if they choose, and candidates can change the pre-set amounts. However, less than one third of candidates added a choice that was below \$25.<sup>88</sup> A meta-study of the 58 major studies conducted on default suggested options found that default suggested options have a considerable influence on people’s choices.<sup>89</sup> Because there are no default options for contributions under \$25 on the Contribute platform, people may be less inclined to make a smaller contribution under this amount, compared to other platforms.

<sup>88</sup> The data used to calculate this number contains the candidates’ last updated amount choices.

<sup>89</sup> Jachimowicz, Jon M et al. [“When and why defaults influence decisions: a meta-analysis of default effects”](#) *Behavioural Public Policy*, 24 Jan 2019.

### Figure 3.12 Contribute default contribution amounts<sup>90</sup>

We found considerable evidence to support this theory. Of all contributions to City Council candidates made through Contribute, 64.7% are either \$25, \$50, \$75, \$100, or \$175. On other platforms, only 40.7% of contributions to City Council candidates are one of these amounts. Furthermore, four of the five most common contribution amounts made through Contribute are one of the default options (Figure 3.13). On other platforms, \$10 is the most popular contribution amount, but it is only the fourth most popular contribution amount on Contribute (Figure 3.13). Another reason why donation amount frequency may vary across platforms is that some platforms allow contributors to make recurring contributions, but Contribute does not.

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**90** This is a screenshot of the Contribute website’s previous layout for the 2021 election cycle. The website design has changed since, but the default contribution amounts are the same.

**Figure 3.13 Most common contribution amounts to City Council candidates**

Made via Contribute	Made via Other Credit Card Platforms
1. \$25	1. \$10
2. \$50	2. \$100
3. \$100	3. \$20
4. \$10	4. \$50
5. \$175	5. \$25

Prior research has found that when default suggested donation options are higher, fewer people donate.<sup>91</sup> Some New Yorkers who can give only \$5 or \$10 to a candidate may, upon seeing that these are not default options, choose to not donate at all. Contribute’s current design may substantially disincentivize a \$10 contribution amount that is most common on other platforms.

## Credit Card Contributions in the 2021 Election Cycle

Although Contribute’s popularity among candidates has increased, its popularity among credit card contributors has slightly dipped since 2017 (Figure 3.14). Contributions made through Contribute accounted for 42.2% of the total number of credit card contributions in 2017 but only 38.7% of the total number of credit card contributions in 2021 (Figure 3.14).<sup>92</sup> This is likely because fewer candidates for Mayor, the office that tends to attract the most contributions, used the platform in 2021 compared to 2017.<sup>93</sup>

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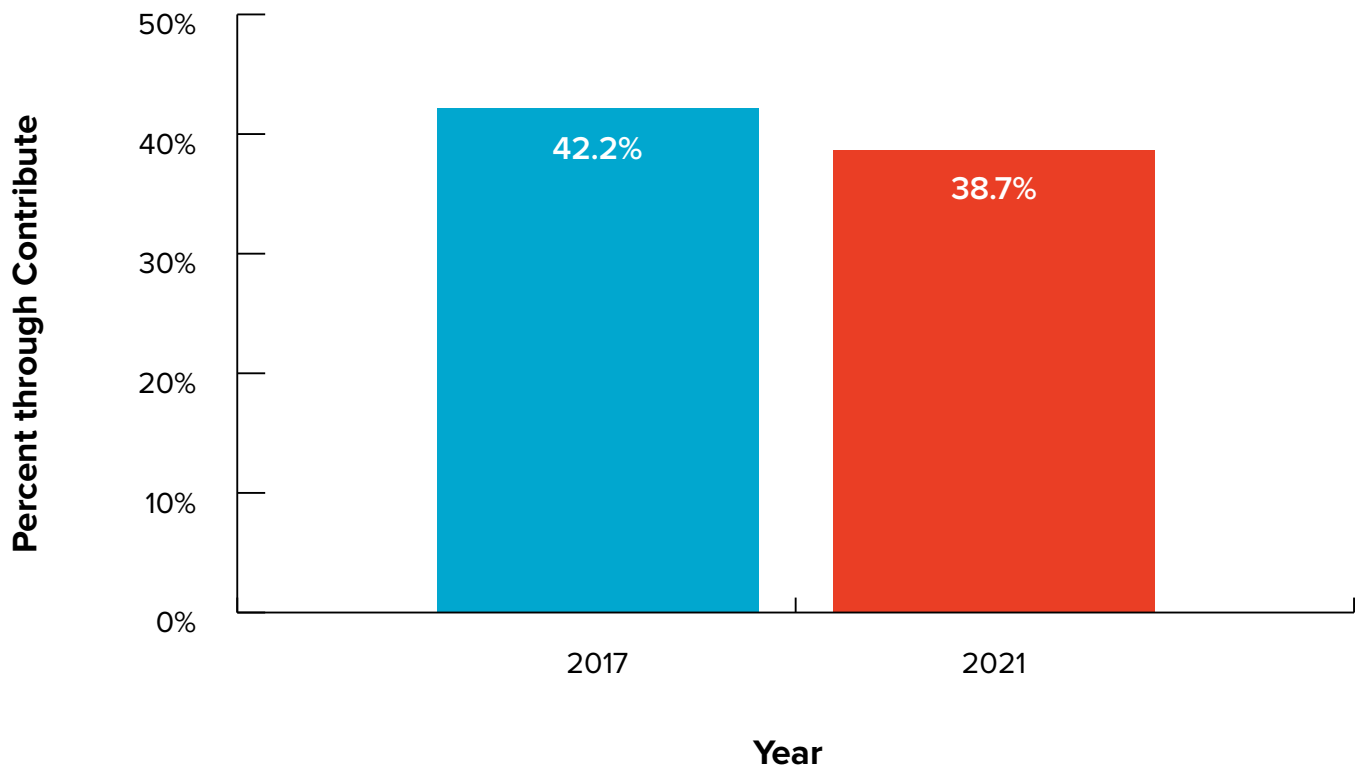
<sup>91</sup> Goswami, Indranil and Oleg Urminsky. “[When should the Ask be a Nudge? The Effect of Default Amounts on Charitable Donations](#)” *Booth School of Business, University of Chicago*, 01 Oct 2016.

<sup>92</sup> P-value < 0.0001.

<sup>93</sup> Mayoral candidates received 181,270 contributions in 2021, while City Council candidates received 150,650. All other offices received substantially fewer contributions.



**Figure 3.14** Percent of all credit card contributions made through Contribute in 2017 and 2021



In both 2017 and 2021, for Contribute users, credit card contributions made up a smaller percentage of their contributions compared to non-users (Figure 3.15).<sup>94</sup>

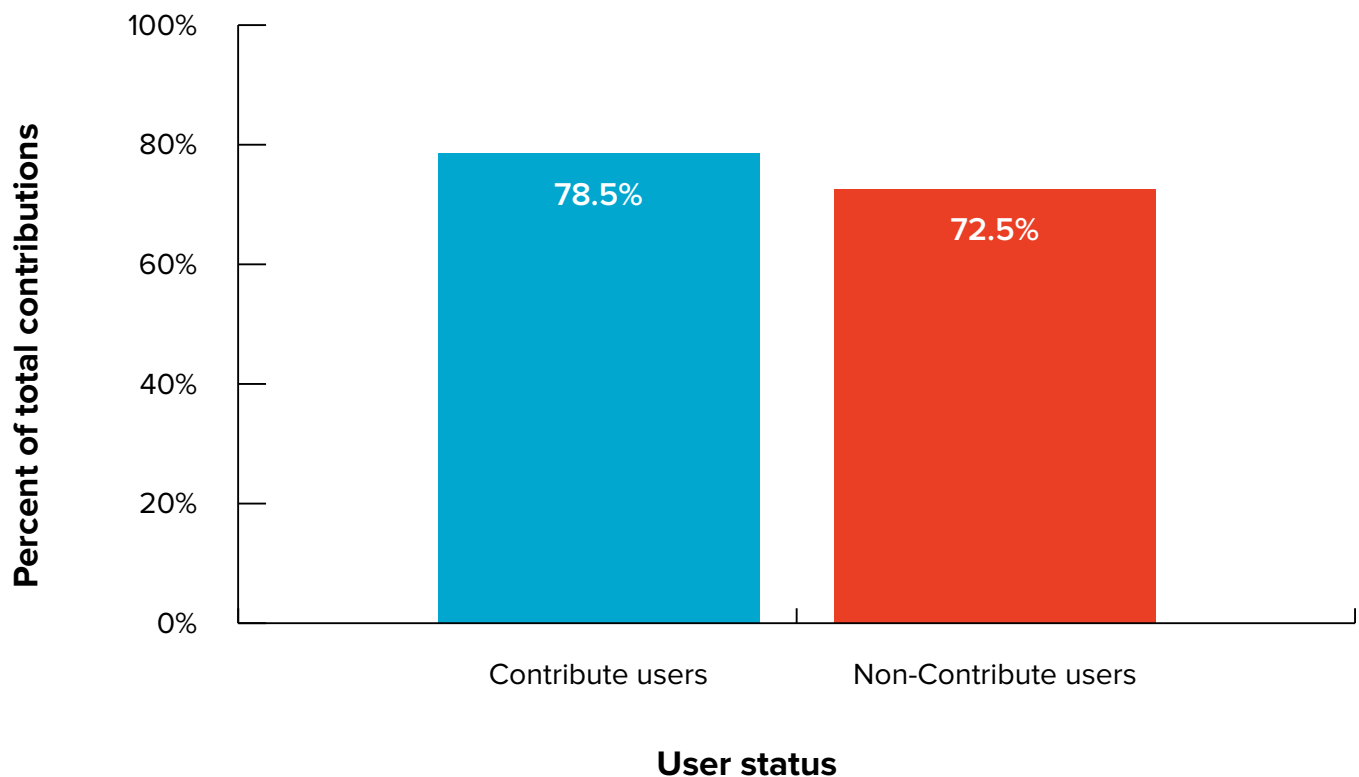
**94** P-value < 0.0001.

**Figure 3.15** Percent of contributions made via credit card

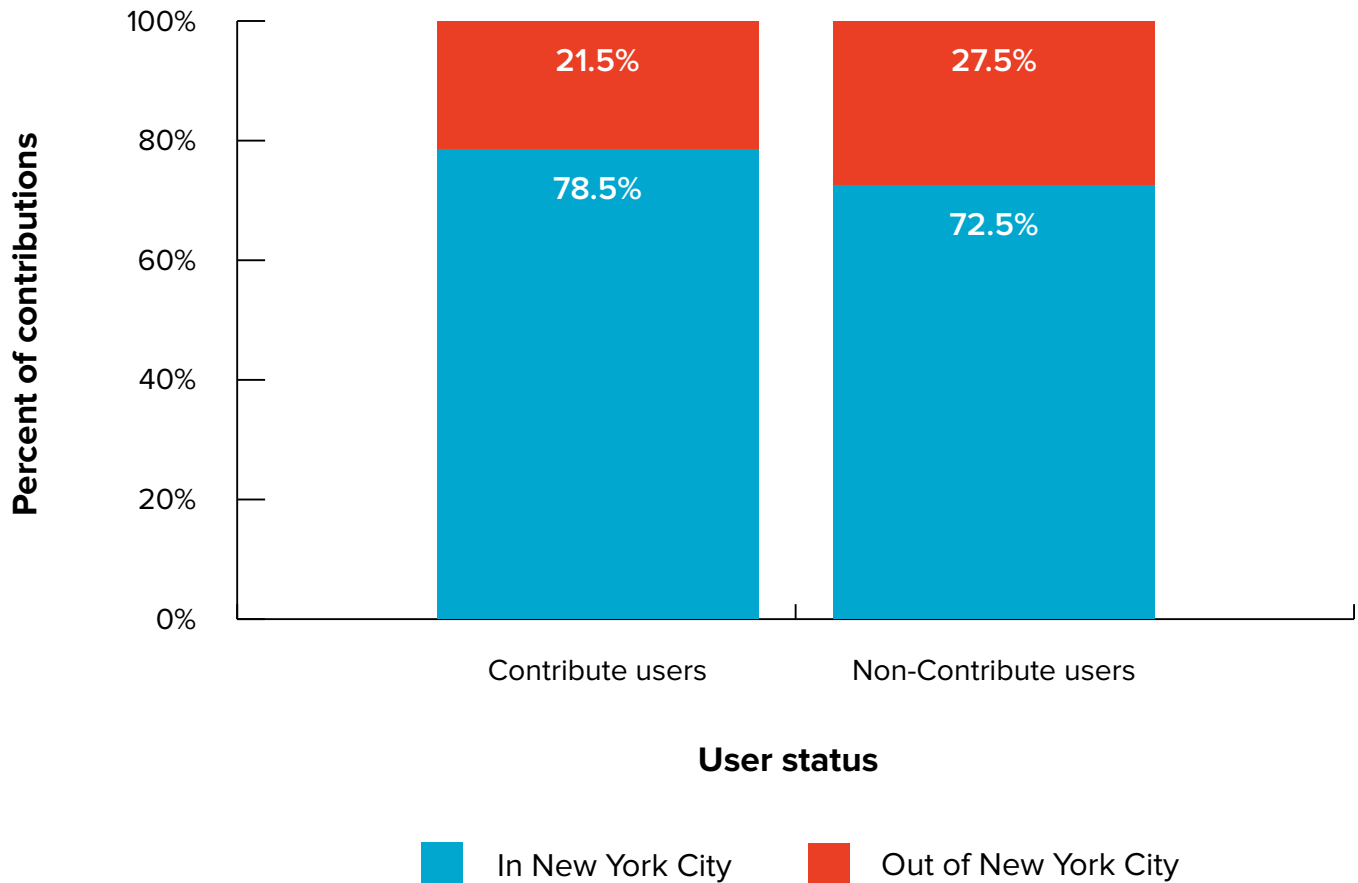
	Contribute Users	Non-Contribute Users
2017	51.5%	66.8%
2021	84.5%	94.5%

This could be because, compared to non-users, candidates who use Contribute receive a larger proportion of their contributions on average from NYC residents (Figure 3.16), and contributors who live in NYC are less likely to contribute via credit card than contributors who live outside the city (Figure 3.17).

**Figure 3.16** Contributions from New York City in 2021



**Figure 3.17 Contributions made via credit card in 2021**



### **NYC Votes Contribute Use and CFB Requirements**

The New York City Campaign Finance Act prohibits candidates from accepting:

- Contributions from corporations, limited liability companies, or partnerships;
- Contributions from unregistered political committees; and
- Contributions that exceed the contribution limits set by the CFB.

Candidates are also required to file financial disclosure statements which list all contributions received and expenditures made by their campaigns.

We analyzed whether the Contribute platform makes it easier for candidates to avoid making these violations. To study this, we conducted a Pearson's product-moment correlation test to evaluate whether City Council<sup>95</sup> candidates who receive a greater proportion of their credit card contributions through Contribute also committed a smaller number of these violations on average. We found a small but statistically significant negative correlation (-0.22)<sup>96</sup>, indicating that, in 2017<sup>97</sup>, City Council candidates who received more of their contributions through Contribute also made slightly fewer violations.

An invalid matching claim (IMC) is a contribution that a candidate has submitted for match by the CFB's public matching fund program but has been deemed invalid upon review by CFB staff because it does not meet the program's requirements.<sup>98</sup> Many IMCs can be corrected by candidates, such as contributions lacking proper documentation, although some require withdrawing the claim for match completely. We found that credit card contributions made to City Council<sup>99</sup> candidates through Contribute were less likely to lead to an invalid matching claim (Figure 3.18).<sup>100</sup> This indicates that Contribute may make it easier for candidates to comply with CFB requirements.

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**95** Only City Council candidates are included in this analysis because violation frequency may vary based on office sought.

**96** P-value < 0.001.

**97** We used 2017 data for this chapter because audits for the 2021 election cycle are yet to be completed. The candidates included are candidates whose audits were finished as of May 12, 2022.

**98** To learn more, see [Board Rule 5-05](#).

**99** Only City Council candidates are included in this analysis because IMCs may vary based on office sought.

**100** P-value < 0.0001.

**Figure 3.18** Percent of invalid matching claims in 2021

	2017	2021
<b>Contribute</b>	4.4%	2.8%
<b>Other credit card platforms</b>	12.4%	7.9%

## Overall Takeaways

Through our analysis, we found a number of ways Contribute is working as intended. Contribute use is near universal among all types of candidates, indicating that more and more candidates are discovering how the platform can benefit their campaign. We found evidence that Contribute makes it easier for candidates to comply with CFB requirements. Those who use Contribute are less likely to have contributions deemed invalid for match. They are also less likely to accept contributions from prohibited sources. Contribute has succeeded as a tool to make it easier for candidates to accept credit card contributions.

The CFB has worked hard to improve the platform since its debut in 2017. In response to feedback from candidates, the CFB implemented a funding tool for Contribute that gives candidates the ability to create unique web pages for specific events. Recently, the CFB also launched an attractive new website design for the platform that matches the NYC Votes rebranding.

There are a few other potential areas of improvement. While Contribute's use among candidates has skyrocketed overall, its use among Mayoral candidates has decreased since 2017. In tandem, Contribute's use among contributors slightly dropped this election cycle. We speculate these findings are related, given that contributors are more likely to contribute to Mayoral candidates than candidates for any other office. Contribute may benefit from new campaign tools that make the platform more attractive to Mayoral candidates, such as a greater ability to track fundraisers which was added to the platform for the 2021 election cycle. Second, Contribute is currently lagging behind its competitors in terms of incentivizing small-dollar contributions. There is room for the platform to be more accessible to more New Yorkers, perhaps with the addition of a \$10 pre-set default contribution option.

NYC Votes Contribute represents a huge step forward for the CFB in supporting campaigns with compliance. It manages candidates' relationships with their online contributors and the online credit card processor in a way that should ensure their compliance responsibilities are met. The ease of it enables candidates to access an online fundraising capability they may not have the expertise or the time to build on their own. As contributor behavior continues to shift, contribution tools must continue to expand and adjust to meet and anticipate their needs. The CFB commits to continuously improving the Contribute platform to make fundraising accessible for all candidates.

# Independent Expenditures

When outside organizations or individuals, known as independent spenders, spend money on a race without the cooperation of the candidates, they have made independent expenditures. The Supreme Court has held that independent expenditures may not be restricted by law, as they are protected by the free speech clause of the First Amendment.<sup>101</sup> Independent spenders can spend and receive an unlimited amount of contributions, as long as they do not coordinate with campaigns.<sup>102</sup> However, independent spenders may be required to disclose information about their spending and contribution sources.<sup>103</sup> Disclosure regulations provide transparency to ensure that outside spending does not go undetected and voters can understand who is trying to influence their choices.

In November 2010, New York City voters passed a ballot measure requiring disclosure of certain independent expenditures in city elections, with rules approved March 15, 2012.<sup>104</sup> Effective in December 2016, the rules were further strengthened to require that spenders disclose both who their largest contributors are and the funding sources for organizations who contribute more than

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**101** Kennedy, Anthony M, and Supreme Court Of The United States. [\*U.S. Reports: Citizens United v. Federal Election Comm’n\*](#), 558 U.S. 310. 2009. Periodical. Retrieved from the Library of Congress.

Supreme Court Of The United States. [\*U.S. Reports: Buckley v. Valeo\*](#), 424 U.S. 1. 1975. Periodical. Retrieved from the Library of Congress.

**102** D.C. Circuit Court of Appeals. [\*Speechnow.org v. FEC\*](#). Federal Election Commission, 26 March 2010.

**103** Federal Election Commission. “[Making Independent Expenditures](#).”

**104** An independent spender must report any expenditure that meets three specific criteria.  
New York City Campaign Finance Board. “[Independent Expenditures Guide](#).”

\$50,000.<sup>105</sup> This rulemaking also added to the list of factors for determining when an expenditure is non-independent (i.e. coordinated). In 2021, the CFB mandated that:<sup>106</sup>

“For text message communications, the words “Paid for by” must appear, followed by:  
(i) the name of the independent spender; and (ii) the words “Not authorized or requested by any candidate, their committee, or agent. More information at [nyc.gov/FollowTheMoney](https://nyc.gov/FollowTheMoney).”  
Such words must be written at the beginning or end of the communication.”

These requirements help ensure that voters can access information about independent spending even in instances where there may be limited space to print a lengthy disclaimer.

## Major Observations in Independent Spending in 2021

The 2021 election cycle, the third cycle since the CFB implemented independent expenditure disclosure regulations, featured a dramatic increase in independent spending. In the primary and general elections, a total of \$40.7 million was spent by independent spenders,<sup>107</sup> around 2.5 times more than the \$15.9 million spent in 2013 and 25 times more than the \$1.5 million spent in 2017. The wide-open Mayor’s race attracted nearly four times the level of independent expenditures as in the last open race for Mayor in 2013.<sup>108</sup>

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**105** These new rules required independent spenders to disclose the owners, officers, and board members of organizations that contribute to the spender, the funding sources of organizations that contribute more than \$50,000 to independent spenders must also be disclosed. They also mandated that IE materials must include enhanced “paid for by” notices listing the spender’s principal owner, CEO and top three donors, as well as a URL for the CFB’s web site directing voters to additional information.

New York City Campaign Finance Board. “[About Independent Expenditures \(IEs\)](#).”

**106** New York City Campaign Finance Board. “[About Independent Expenditures \(IEs\)](#).”

**107** The 2021 election cycle encompasses activity from 2018 to 2021.

**108** An open seat race is a race without an incumbent. Incumbents are candidates running for re-election.



The increase in independent spending in the last election cycle was likely due in part to the fact that 2021 had more open-seat races (races without candidates up for re-election) compared to 2017. Because many elected officials were term-limited in 2021 (including two citywide races and 36 City Council seats) 2021 was a more competitive election than 2017. However, independent spending in 2021 was also higher than the similarly competitive 2013 election cycle, which also featured the same number of open races.

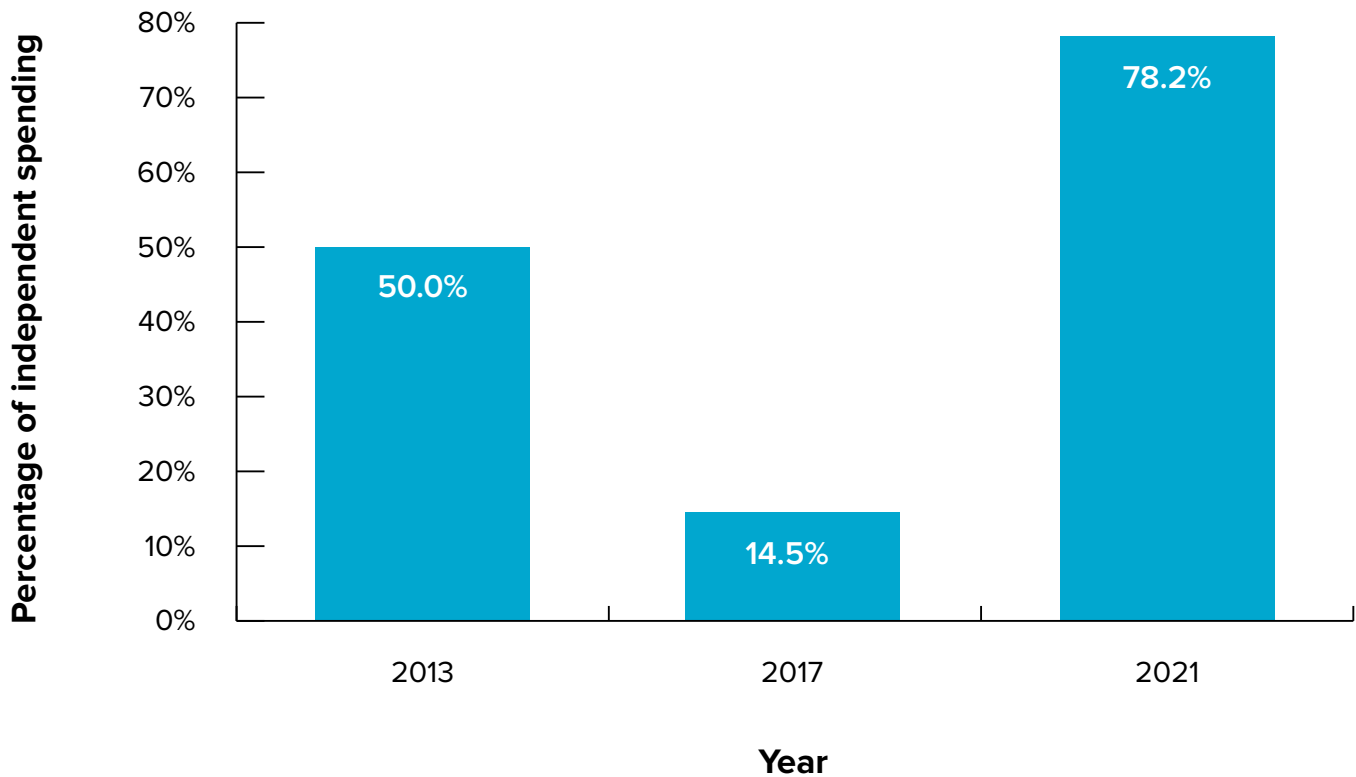
This chapter does not attempt to provide a complete explanation for why outside spending was higher in 2021 than in past election cycles. However, the chapter explores several illuminating trends, including:

- The majority of independent spending in the Mayoral race came from single-candidate entities;
- There was less opposition spending in the Mayoral race than previous election cycles;
- The tone of messaging by independent spenders differed in the Mayoral race from City Council races;
- Independent spenders relied more on digital advertisements than previous election cycles; and
- Although independent spenders spent more on winning candidates than losing candidates and more on incumbents than non-incumbents, they spent less on winning incumbents than losing incumbents.

## Major Observations in the Mayor's Race

The majority of independent spending in 2021 was directed toward Mayoral candidates.<sup>109</sup> The Mayoral race saw a total of \$31.8 million in outside spending—a radical increase from the mere \$218,504 spent on Mayoral candidates in 2017 when Mayor Bill de Blasio was up for re-election. It also far exceeded the \$8.0 million spent on Mayoral candidates in 2013. Independent spending for Mayoral candidates was also higher compared to previous election cycles. As shown in Figure 4.1, 78.2% of total independent spending in 2021 went toward Mayoral candidates, compared to 14.5% in 2017 and 50% in 2013.

**Figure 4.1** Percent of total independent spending on mayoral candidates



<sup>109</sup> See Appendix for a full list of independent spending for Mayoral candidates.

Independent spending in the Mayoral race had two primary characteristics which distinguished it from spending in other races:

1. The vast majority of expenditures was by spenders newly created to support or oppose a single candidate.
2. Communications were almost entirely positive, in support of candidates, and there was little negative advertising opposing candidates.

## Spending by Single-Candidate Entities

Most independent spending in the Mayoral race came from single-candidate spenders—spenders created to support or oppose a single candidate. Single-candidate entities have been rising in popularity and influence at the federal level, making it unsurprising that their presence increased in the 2021 citywide election cycle.<sup>110</sup>

Ten single-candidate entities supported or opposed Mayoral candidates in 2021. These spenders accounted for 77% of total independent spending in the Mayoral race and 60% of all spending in this election cycle.

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**110** Open Secrets. “[2020 Outside Spending by Single-Candidate Super PACs.](#)”

**Figure 4.2 Expenditures by single-candidate spenders in the Mayoral race<sup>111</sup>**

Spender Name	Candidate	Positive or Negative Spending	Total Amount Spent
New Start NYC	Shaun Donovan	Positive	\$6,490,779
Strong Leadership NYC Inc	Eric Adams	Positive	\$6,265,518
New York for Ray	Ray McGuire	Positive	\$5,749,716
Comeback PAC	Andrew Yang	Positive	\$3,512,227
1199 for Maya	Maya Wiley	Positive	\$1,578,945
Growing Economic Opportunities	Scott Stringer	Positive	\$294,308
Future Forward NYC, Inc.	Andrew Yang	Positive	\$286,663
New Generation of Leadership PAC	Kathryn Garcia	Positive	\$235,000
New York Deserves Better PAC	Andrew Yang	Negative	\$153,500
People for a Better NY	Eric Adams	Positive	\$64,508

<sup>111</sup> This list includes single-candidate entities who spent more than \$50,000. Each of the single-candidate entities who supported a Mayoral candidate met this spending criteria.

Only two single-candidate entities supported non-Mayoral candidates. Rebuild NYC 2021 supported City Council candidate Julie Menin in Council District 5, and Together for NYC supported Comptroller candidate Michelle Caruso-Cabrera.<sup>112</sup>

Close to all of this spending occurred in the Democratic primary for Mayor.<sup>113</sup> Notably, each of the seven top highest spending candidates had a single-candidate spender supporting them, and in one case—New Start NYC—the spender spent more than the campaign.

New Start NYC spent the most of any spender, reporting \$6.5 million in expenditures supporting Mayoral candidate Shaun Donovan, while Donovan’s campaign itself spent only \$4.9 million. The largest contributor to New Start NYC was Shaun Donovan’s father, Michael Donovan, whose contributions accounted for \$6.8 million of the \$7.0 million in contributions to New Start NYC.

On April 6, 2021, a complaint was filed with the CFB alleging illegal coordination between New Start NYC and Shaun Donovan’s campaign. On April 22, the Board declined to find that coordination, under its current definition, had occurred, and dismissed the complaint. However, the Board Chair noted that the development of single-candidate spenders and the possibility of illegal coordination “poses a particular challenge to the goals of the City’s system of public campaign financing.” The CFB may address these issues with changes to its Rules.<sup>114</sup>

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**112** This list includes single-candidate entities who spent more than \$50,000. Excluded from this list are the following single candidate entities who did not meet this spending criteria: *Ben-Chris Realty* who spent \$1,400 supporting candidate Vito Fossella for Staten Island Borough President, *FFDC 2021* who spent \$10,434 supporting candidate Kim Moscaritolo for Council District 5, and Black Lives Matter PAC who spent \$35,000 supporting candidate Chi Ossé for Council District 36.

**113** Though we do not report spending as primary versus general elections spending, all but a single expenditure of \$3,500 was made before the June primary.

**114** New York City Campaign Finance Board. “[NYC Campaign Finance Board Approves \\$1.8 Million in Public Funds to 2021 Candidates](#).” 22 Apr 2021.

## Positive and Negative Spending

Very little spending in the Mayoral race was negative. Of the 219 Mayoral communications distributed by spenders in 2021, only nine were predominantly negative, making up less than 1% of all Mayoral spending. Three of these communications, including the only negative TV advertisement, were from New York Deserves Better PAC, a single-candidate spender whose stated purpose was to “oppose 2021 Mayoral candidate Andrew Yang.”<sup>115</sup> The lack of a presence of negative spending in the Mayoral race was a significant change from 2017, when negative spending against winning candidate Bill de Blasio made up 93.9% of independent spending in the Mayoral race.

Only \$14,987 was spent in opposition to the winning Mayoral candidate, Eric Adams. The Mayoral candidate who faced the most opposition spending was Andrew Yang with \$166,987 in opposition spending.

One spender, The Coalition to Restore New York, an organization funded by Madison Square Garden, distributed communications that did not support or oppose any candidates. The Coalition to Restore New York spent \$540,622 on neutral communications, making up 1% of total independent spending in 2021. These communications consisted of three TV/cable ads and one mass mailer, all promoting their website which featured Mayoral candidates’ answers to five questions about the candidates’ plans to “restore New York.” This was the first example out of the three elections where independent disclosure regulations of corporate money showed it being spent to elevate issues rather than candidates themselves.

## Major Observations in City Council Races

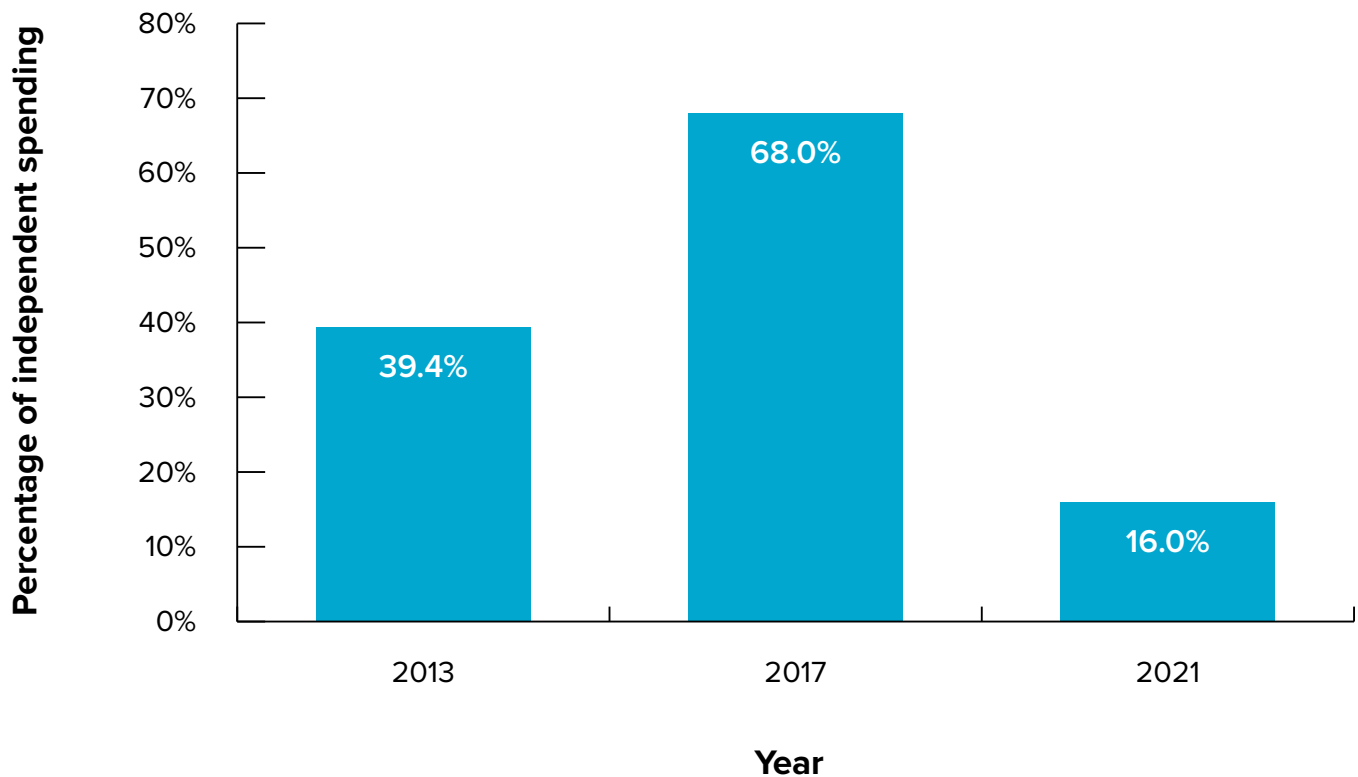
In 2021, a total of \$6.6 million in independent spending occurred in City Council races, making up only 16% of all independent spending in this election cycle. This was a steep drop from the amount of independent spending on Council candidates in both 2013 and 2017.<sup>116</sup>

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<sup>115</sup> New York City Campaign Finance Board. “[New York Deserves Better PAC \(2021\) Independent Spender Profile](#).”

<sup>116</sup> See Appendix for a full list of independent spending for City Council candidates.

**Figure 4.3** Percent of total independent spending on City Council races



Independent individuals and organizations spent in 48 out of the 51 Council races. Candidates running for office in Council Districts 4, 8, and 51 did not receive any outside support in the primary or general elections. Each of these elections featured incumbents running for re-election, and only one of the three had a primary challenger.

In the open race in Council District 32, candidates received \$520,911 in total outside support (in both the primary and general elections) which was the most of any City Council race in 2021. This was one of the few races where both the primary and general elections were competitive. The race also featured the largest amount of negative spending against any candidate for any office, which was against Felicia Singh. The City Council race with the second highest amount of spending was Council District 5 with candidates receiving \$421,646 in outside spending. The winning candidate in that race, Julie Menin, received \$387,036 in outside support, which was the most of any candidate in any City Council race in 2021.

Spending in City Council races had two distinguishing characteristics which differed significantly from those in the Mayoral race, including:

1. Negative messages dominated in a number of races
2. A small number of spenders made up most of the expenditures

## Positive and Negative Spending

Negative spending dominated in City Council races. A total of \$853,926 was spent on negative communications, representing 13.6% of spending in City Council races. This spending was targeted at just 11 City Council candidates, compared to 20 in 2013 (Figure 4.3). All but two of these candidates were from Queens or Brooklyn. Notably, none of these candidates were incumbents, and only one candidate, Brian Fox, faced an incumbent.

**Figure 4.4** City Council candidates facing negative independent spending by dollar amount

Candidate	Council District	Negative Independent Spending	Percent of Total Independent Spending
Singh, Felicia	32	\$206,899	71.6%
Hollingsworth, Michael D	35	\$113,611	80.9%
Kaur, Jaslin	23	\$95,610	95.5%
Choe, John	20	\$75,728	94.4%
Fox, Brian	43	\$70,000	100.0%
Ahmed, Moumita	24	\$68,173	95.1%
Aviles, Alexa	38	\$67,911	72.4%
Marte, Christopher	1	\$65,599	79.6%
Abreu, Adolfo	14	\$58,430	59.4%



Candidate	Council District	Negative Independent Spending	Percent of Total Independent Spending
Tischler, Harold	48	\$21,672	100.0%
Caban, Tiffany	22	\$10,294	68.1%

The negative spending on City Council candidates came from just three spenders: Common Sense NYC, Committee for Sensible Government, and Police Benevolent Association Independent. Of the \$853,927 of opposition spending in City Council races, 83.3% came from spender Common Sense NYC.

## Large Independent Spenders

A small number of independent spenders made up most of the spending in City Council races; 73% of the total amount spent on City Council candidates came from just five of the 25 spenders (Figure 4.5). This was also true 2013, when just two of the 23 spenders made up 86% of all spending.

**Figure 4.5** Largest independent spenders in City Council races

Independent Spender	Largest Contributor to the Spender	Total Amount Spent	Percent of Total Spending in Council Races
Common Sense NYC, Inc.	Stephen M. Ross (\$1 million)	\$1,521,828	23.1%
Labor Strong 2021	32BJ United American Dream Fund (\$250,000), New York Hotel & Motel Trades Council COPE (\$250,000)	\$1,014,211	15.4%

Independent Spender	Largest Contributor to the Spender	Total Amount Spent	Percent of Total Spending in Council Races
NY4KIDS Inc.	UFT (\$3.7 million)	\$897,385	13.6%
Hotel Workers for Stronger Communities	New York Hotel & Motel Trades Council (\$1.3 million)	\$719,841	10.9%
Police Benevolent Association Independent Expenditure Committee	Police Benevolent Association of the City of New York (\$1 million)	\$633,095	9.6%
Total	—	\$4,7861,360	72.5%

## Observations in Other Races

Other citywide and boroughwide races attracted considerably less independent spending than the Mayoral race. The Public Advocate race saw only \$53,972 in outside spending and a total of \$735,458 was spent in the five Borough President races.<sup>117</sup> A total of \$1.5 million was spent in the Comptroller race. Notably, New York City Comptroller candidate Michelle Caruso-Cabrera was the only non-Mayoral citywide candidate with support from a single-candidate spender; Together for NYC spent \$305,174 to support her.

<sup>117</sup> See Appendix for a full list of independent spending for Comptroller, Public Advocate, and Borough President candidates.

## Other Trends in Independent Spending

### Communication Types

A key feature in the 2021 election cycle was the prominence of digital advertisements, including both internet/text banner and video ads. Internet text/banner ads include still images, gifs, and social media posts that don't include a video or audio component. Spenders reported spending \$6.3 million on internet text/banner and video ads, a monumental increase from the \$453,778 spent in 2013. Spenders distributed 270 internet texts/banners and video ads in this cycle, spending an average of \$23,333 per advertisement.

Internet/text banner ads were more common in City Council races, accounting for 20% (\$1.3 million) of total independent spending in these races. However, the Mayoral race also featured a high use of text/banner ads, with \$1.1 million spent on 79 ads, representing 3.6% of total spending in the Mayoral race. Text/banner advertisements were nearly as popular a communication method as mass mailings, a historically highly utilized communication type, which accounted for only 4.7% of spending in the Mayoral race in 2021.

Spenders also relied on internet video ads in both the Mayoral race and City Council races. Internet video ads include any video that is posted and promoted on social media or other websites, as well as ads displayed on streaming services. Spenders reported \$3.4 million in expenditures on 74 video ads in the 2021 election cycle. Nearly half of these ads featured City Council candidates (44.6%).

**Figure 4.6** Amount spent on video ads

	Total amount spent on video ads	Percent of total spending	Number of video ads	Amount spent per ad
<b>Mayoral Candidates</b>	\$2.5 million	8.0%	39	\$64,103
<b>City Council Candidates</b>	\$538,307	8.2%	33	\$16,312

While these new communication methods are rising in popularity, spenders are still relying heavily on traditional advertising methods like mass mailings and television advertisements. TV advertisement was the most popular communication method, making up 64.5% of total independent spending in all races. However, in City Council races, mass mailings were actually the most common method of communication, making up 53% of all spending. Independent spenders may prefer mass mailings to television ads for City Council races because television ads cannot be targeted at voters in a specific district.

Although mass mailings were still the most popular communication method for City Council races in 2021, their use has dropped substantially since 2013. In 2021, spenders reported distributing 367 mass mailing communications (58% of all communications) featuring 70 City Council candidates at a cost of \$3.3 million (53% of all spending). 2013 spending on mail was higher in every measure—621 mailers (72% of communications) featuring 74 candidates at a cost of \$4.4 million (69% of all spending). Yet mass mailings still remain the most common communication method for independent spenders in City Council races by both number of communications and amount spent.

In the Mayoral race, TV advertisements predominated. Independent expenditures for TV advertising in the Mayoral race increased significantly from 2013 to 2021 overall, per ad, and per candidate. In 2021, spenders reported \$25 million for TV/Cable communications to support or oppose Mayoral candidates, more than nine times the \$2.7 million reported in 2013. These spenders released 18 ads in 2021, for an average of \$1.4 million per ad, while the 16 ads run in 2013 averaged less than \$200,000 apiece. And the 2021 spending was divided among six candidates, with an average of \$4.2 million per candidate, while spending on the four candidates in 2013 averaged just \$675,000. Single-candidate spenders reported \$21.3 million for TV ads, accounting for 84% of TV ad spending and 67% of total independent spending in the Mayoral race.

Overall, despite the rising popularity of new communication methods and technologies, independent spenders are continuing to focus on traditional advertising methods. However, the large increase in digital advertisements and decrease in mass mailings compared to 2013 indicates that digital advertising may one day become the primary source of communications from independent spenders.

## Spending on incumbents and winning candidates

In 2021, independent spenders spent less on incumbents than non-incumbents (Figure 4.7) and more on winners than non-winners (Figure 4.8). We conducted several correlation tests, which measure the extent to which two things are related, to further examine this potential trend. First, we looked at the relationship between whether the candidate was an incumbent, and how much was spent on the candidate. We chose to include both positive and negative spending in these calculations. This is because the motivation behind targeting a candidate with positive or negative spending is the same—the spender believes their spending may influence the outcome of the election. Candidates who did not receive any independent spending were excluded from the analysis. We also only included City Council candidates in these analyses.

As shown in Figure 4.7 the average amount that independent spenders spent on incumbents fell well behind the average amount that independent spenders spent on candidates who were not incumbents. This may be related to the incumbency effect—the tendency for incumbents to easily win re-election, as independent spenders may be wary of dedicating limited funds to candidates who will most likely win regardless of funding. Nonetheless, a correlation test showed that incumbency status was only weakly related to the amount of outside spending received in the 2021 election cycle ( $r_{pb} = 0.12$ ).<sup>118</sup>

**Figure 4.7** Independent spending on incumbents and non-incumbents in City Council races

Average amount spent on incumbents	Average amount spent on non-incumbents
\$51,194	\$81,689

**118** A rpb value is a correlation coefficient between one binary variable and one continuous variable. A binary variable is a variable with only two possible values. In this case, winning status is a binary variable because the only two values are winning or losing. A continuous variable is a variable with more than two possible values. In this case, the amount of spending is the continuous variable. Outliers (defined as spending > mean + 3\*sd (standard deviation) or spending < mean - 3\*(standard deviation)) were omitted before the calculation of this point-biserial correlation. Standard deviation is a statistical measure used to describe the amount of variation in a data set. In this case, that is the amount of variation in the amount of spending by independent spenders.

Independent spenders spent more on average on winning candidates than losing candidates (Figure 4.8). Yet, the difference was small, and a correlation test indicated that winning was only weakly related to the amount of outside spending received ( $r_{pb} = 0.11$ ). This may indicate that, in 2021, money spent by independent spenders did not influence election outcomes. Other research on the influence of independent expenditures has found that outside spending has a small effect<sup>119</sup> on election outcomes but plays a considerably smaller role than campaign spending.

**Figure 4.8 Independent spending on winners and losers in City Council races**

Average amount spent on winning candidates	Average amount spent on losing candidates
\$85,061	\$70,120

Although winning candidates received more outside funding than losing candidates, winning *incumbents* received less outside funding than losing incumbents (Figure 4.9).

**Figure 4.9 Independent spending on winning and losing incumbents in City Council races**

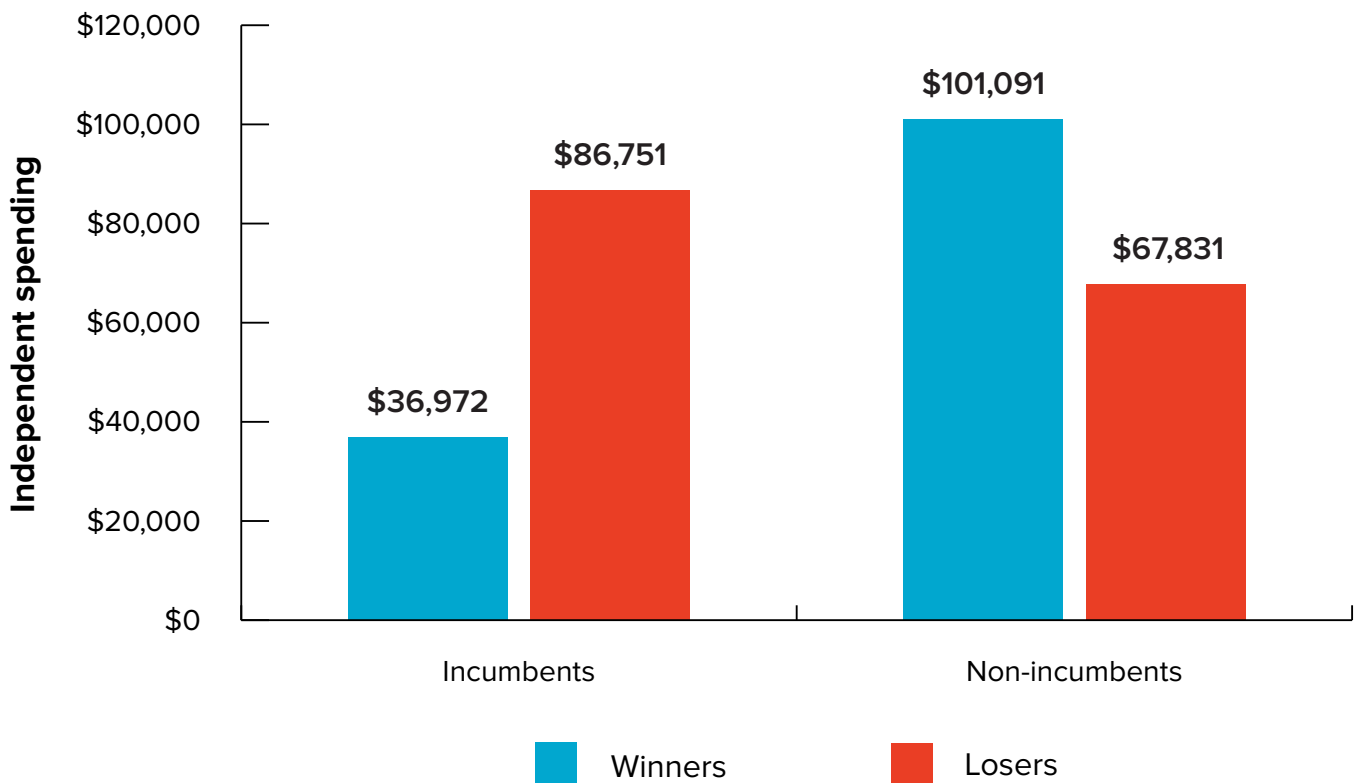
Average amount spent on winning incumbents	Average amount spent on losing incumbents
\$36,972	\$67,831

Figure 4.10 displays a comparison of the average amount spent on winning and losing incumbents to the average amount spent on winning and losing non-incumbents.

Winning incumbents received less outside funding than losing incumbents (Figure 4.9), indicating that outside spenders may be less likely to spend on incumbents who they expect to win re-election compared to incumbents who they fear may lose re-election. However, given that there were only two incumbents who lost re-election in 2021, the data conveys less information than it would with a larger sample.

<sup>119</sup> Fanz, Michael M. "[The Citizens United Election? Or Same as Ever Was.](#)" *The Forum*, Jan 2011.

**Figure 4.10** Independent spending on winning and losing incumbents in City Council races



Although independent spenders did spend more on winning candidates than losing candidates, this was entirely due to the amount spent on winning non-incumbents, not on winning incumbents. This again may be related to the incumbency effect, as winning incumbents may be a category of candidates for which independent spenders foresee that they would be unlikely to change the outcome of the race. However, independent spenders may be particularly eager to spend on incumbents who are at risk of losing re-election, in hopes that their support will sway voters' decision on who to vote for.

We did not have the capacity to do this analysis for 2013 and 2017 but are interested in looking at this, as well as spending in future races, to further understand how independent spending might impact the outcome of individual races.





# Post-Election Audit and Enforcement of 2017 Election Cycle

The CFB audits all campaigns to ensure compliance with the Campaign Finance Act and CFB Rules. For campaigns receiving public matching funds, the post-election audit also determines whether they spent public funds in the manner the law allows, or on what is referred to as “qualified” expenditures. The post-election audit process consists of four stages: the Documentation Request, the Draft Audit Report, the Enforcement Notice (if applicable), and the Final Audit Report/Final Board Determination.

First, each candidate is sent a **Documentation Request** which includes a list of requested documents not previously included in the candidate’s disclosure statements that will be necessary to complete the post-election audit.

Next, each candidate receives a **Draft Audit Report (DAR)** which details the preliminary findings of a campaign’s violations of the Campaign Finance Act or CFB Rules, along with any potential post-election payment or repayment obligations. The DAR also includes findings that do not rise to the level of violations. The DAR is prepared by staff auditors, and includes instructions for how to respond to each finding. Campaigns are then given ample opportunity to correct any mistakes or omissions in their reporting and documentation and to submit explanations of activity that was preliminarily determined to be in violation of the Campaign Finance Act or CFB Rules.

In the next stage, if the campaign cannot resolve the preliminary findings in its response to the DAR, a CFB staff attorney will prepare an **Enforcement Notice**. The campaign has another opportunity to address the remaining findings, which is reviewed by staff auditors and attorneys. If enforcement is still necessary, the campaign receives an Enforcement Notice detailing the recommended penalties and public funds repayment and is offered the opportunity to appear before the Board or before an administrative law judge through the Office of Administrative Trials and Hearings (OATH). The Board votes on penalty and repayment obligations and issues a **Final Board Determination**, a public document published on the CFB website.<sup>120</sup>

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<sup>120</sup> New York City Administrative Code § [3-710\(5\)](#).

Finally, the CFB sends every candidate, whether or not they have been subject to enforcement, a **Final Audit Report (FAR)**. The FAR is also a public document, published on the CFB’s website. It details any violations of the Campaign Finance Act or CFB Rules, as well as any penalties assessed.

Figure 5.1 shows the breakdown by office of the candidates who received penalties in the 2017 election cycle.<sup>121</sup> For all offices except Mayor, the majority of candidates in the 2017 election cycle did not receive any penalties. Over 60 percent of all candidates for whom the post-election review is complete were assessed no penalties—an increase from the previous citywide election cycle in 2013, when only 46 percent of candidates had no penalties.

**Figure 5.1** Number of candidates receiving penalties in the 2017 election cycle<sup>122</sup>

	Number receiving penalties	Number of candidates	Percent of receiving penalties <sup>123</sup>
<b>Mayor</b>	5	9	55.6%
<b>Public Advocate</b>	1	6	16.7%
<b>Comptroller</b>	2	4	50.0%
<b>Borough President</b>	3	15	20.0%
<b>City Council</b>	75	193	38.9%
<b>All Offices</b>	86	227	37.9%

<sup>121</sup> Independent spenders who received one or more penalties are excluded from this analysis, as well as candidates who received a Final Board Determination due to public funds repayment obligations but who were not assessed penalties for violations of the Campaign Finance Act or CFB Rules.

<sup>122</sup> The 227 candidates listed in this table are candidates who have received a FAR or FBD as of May 12, 2022. These are the only candidates included in this chapter.

<sup>123</sup> Of the number of candidates for whom the post-election review is complete.

The CFB considers several factors in determining the amount of penalties awarded to candidates.<sup>124</sup> Penalties are recommended by staff to the Board based on a set penalty guideline that is published before every election. These factors include the type of violation, the extent of the violation, and the size of the campaign. A candidate, for example, who exceeds the spending limit by \$10,000 may receive a higher penalty than a candidate who exceeds the spending limit by \$1,000. In most cases, penalties cannot exceed \$10,000 for any single violation.<sup>125</sup> All candidates have the opportunity to appear before the Board and plead their case that there actually was not a violation made or that, although there was a violation, their penalties should be reduced based on mitigating factors. Candidates do not need to prove that they were in compliance with campaign finance law to successfully challenge penalties; the Board considers a variety of factors in assessing penalties. Of candidates who received an Enforcement Notice, 46.5% made appearances before the Board. Of those who made appearances, 65.0% were able to reduce at least one penalty.

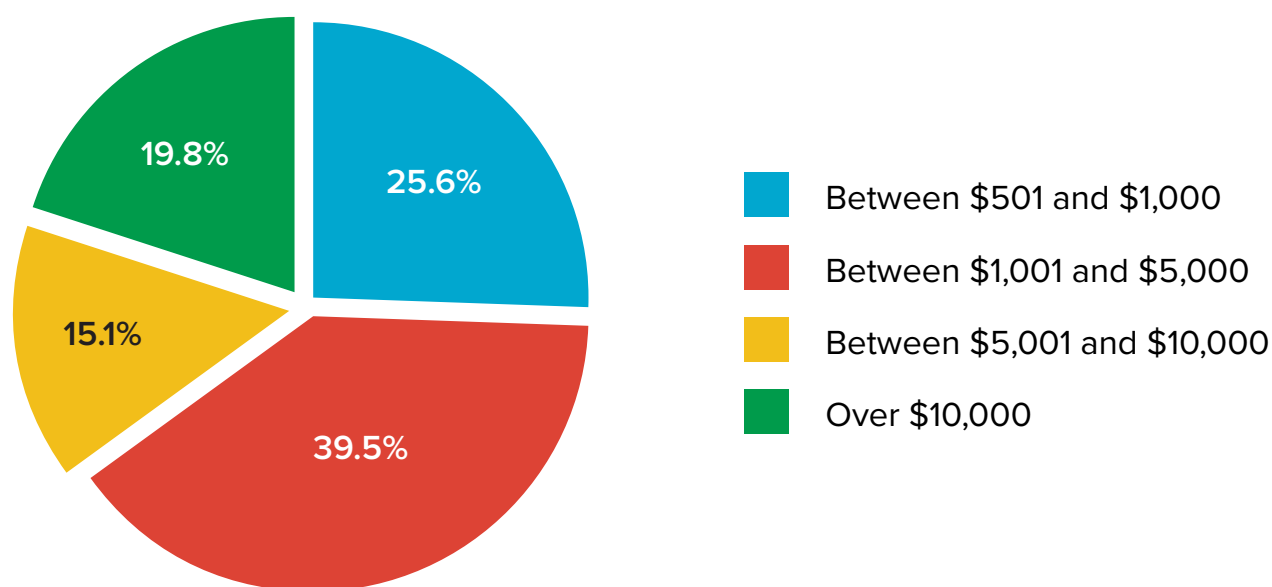
Of the 86 candidates penalized for non-compliance with Campaign Finance Act or CFB Rules, most had under \$5,000 in penalties (65.1%). Figures 5.2 and 5.3 show the penalty breakdown for candidates in the 2017 election cycle.

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**124** New York City Campaign Finance Board. “[Guidelines for Staff Recommendations for Penalty Assessments for Certain Violations.](#)” 2017.

**125** New York City Administrative Code § [3-711\(1\)](#).

**Figure 5.2** Penalty ranges in 2017<sup>126</sup>



**Figure 5.3** Numbers of 2017 candidates receiving penalties by office

	\$1 to \$1,000	\$1,001 to \$5,000	\$5,001 to \$10,000	Over \$10,000
<b>Citywide Office</b> <sup>127</sup>	2	2	2	2
<b>Borough President</b>	2	0	1	0
<b>City Council</b>	18	32	10	15

<sup>126</sup> The CFB does not send Enforcement Notices if the penalties are under \$500.

<sup>127</sup> Includes Mayor, Comptroller, and Public Advocate.

The most common violation in the 2017 election cycle was “undocumented transactions,” with 57 campaigns committing at least one violation of this type. Campaigns must document all financial transactions to ensure that auditors can verify that their reporting is complete and accurate. The median penalty for this violation type was \$250. Figure 5.4 shows the total number of violations, total penalties awarded, median penalty amount, and penalty ranges for each violation type.

A change introduced in the penalty guidelines published for the 2017 election cycle stated that campaigns would not be issued violations for corporate or over-the-limit contributions if they were returned in a timely manner after notification from CFB staff. Guidelines for penalties in previous election cycles set small baseline penalties for contribution violations that were returned promptly. In the 2013 elections, 68 campaigns received penalties for accepting corporate contributions; 51 campaigns for accepting contributions over the limit. The number of campaigns issued penalties for each of these violations has dropped significantly from their 2013 levels.

**Figure 5.4** Penalty summary statistics for 2017

Violation Type	Number of Campaigns	Total Penalties	Median Penalty	Minimum Penalty	Maximum Penalty
Undocumented transactions	57	\$55,816	\$250	\$50	\$11,496
Disbursement and receipt reporting variance	49	\$21,602	\$258	\$50	\$2,000
Non-campaign related expenditures	32	\$49,112	\$433	\$100	\$12,807
Late response/ failure to respond to documentation information requests	31	\$97,184	\$876	\$50	\$22,512

Violation Type	Number of Campaigns	Total Penalties	Median Penalty	Minimum Penalty	Maximum Penalty
Accepting a contribution from an unregistered political committee	27	\$23,351	\$250	\$25	\$3,111
Over the limit contributions	26	\$61,107	\$1,263	\$125	\$10,398
Late to file or failure to file disclosure statements	26	\$24,854	\$325	\$50	\$6,071
Impermissible post-election expenditures	23	\$ 26,748	\$601	\$130	\$4,468
Contributions from corporations, limited liability companies, or partnerships	22	\$22,187	\$513	\$125	\$6,064
Missing bank/ credit card/ merchant statement	20	\$5,747	\$165	\$50	\$1,000
Improper subcontractor or intermediary reporting	11	\$2,700	\$150	\$50	\$800
Exceeding the expenditure limit	10	\$133,810	\$8,493	\$300	\$35,000

Violation Type	Number of Campaigns	Total Penalties	Median Penalty	Minimum Penalty	Maximum Penalty
Making a cash expenditure greater than \$100/making a petty cash fund greater than \$500	9	\$8,510	\$253	\$50	\$4,030
Failure to disclose a bank account or political committee	5	\$450	\$100	\$50	\$100
Fraud or material misrepresentation	4	\$43,500	\$10,000	\$3,500	\$20,000
Failure to attend a mandatory training	1	\$500	\$500	\$500	\$500

Most candidates in the 2017 Election Cycle did not receive any penalties (Figure 5.5). This indicates that most candidates are successfully complying with CFB Rules and the Campaign Finance Act. Each candidate who did not receive penalties was named in a public meeting by the Board.

**Figure 5.5** Number of candidates not receiving penalties in 2017<sup>128</sup>

	Number not receiving any penalties	Number of candidates	Percent not receiving any penalties
<b>Mayor</b>	4	9	44.4%
<b>Public Advocate</b>	5	6	83.3%
<b>Comptroller</b>	2	4	50.0%
<b>Borough President</b>	12	15	80.0%
<b>City Council</b>	118	193	61.1%
<b>All Offices</b>	141	227	62.1%

## Independent Expenditure Penalties

The Board levied violations on five entities and individuals, who had a total of 13 independent expenditure violations during the 2017 election cycle.<sup>129</sup> Of those, only two—Michael Ricatto (Independent Spender) and Downtown Independent Democrats—appeared before the Board. Downtown Independent Democrats, NYCLASS Animal Protection, Leon Goldenberg (Independent Spender), and Michael Ricatto had “failure to file” violations totalling \$42,596. NYCLASS Animal Protection had the smallest and greatest penalties for this violation—the size of which is proportional to the spending—amounting to \$27 and \$10,000 respectively. Goldenberg and Ricatto used inconspicuous sizes and styles for “paid for” notices. Their penalties amounted to \$2,630, with Goldenberg incurring two \$165 penalties, and Ricatto incurring a \$2,300 penalty. Lastly, Empire State 32BJ was penalized \$375 for missing communications and expenditure deadlines.

<sup>128</sup> The 227 candidates listed in this table are candidates who have received a FAR or FBD as of May 12, 2022.

<sup>129</sup> Downtown Independent Democrats, Empire State 32BJ, Leon Goldenberg (Independent Spender), NYCLASS Animal Protection, and Michael Ricatto (Independent Spender)



# Policy and Legislative Recommendations

Originally enacted directly by voters through a ballot proposal from the 1988 Charter Revision Commission, the Campaign Finance Act was born out of the desire to improve ethics in New York City elections.<sup>130</sup> In their final report, the Charter Revision Commission pointed to “ever-escalating costs of running for office” and the “actual or perceived influence of large-scale contributions on government decision making” as to why new Charter provisions were necessary.<sup>131</sup> The Campaign Finance Act also specifically states the need for recommendations that evaluate the law and the program after each citywide election, which are traditionally included in the post-election report (PER).

With these imperatives, the CFB has also advocated for campaign finance laws to adapt to changes in how money is raised and spent in our elections. In 2009, the CFB reported on a disclosure gap between campaign contributions and independent expenditures. Coupled with the anticipated increase of independent expenditures after the Supreme Court’s *Citizens United* decision,<sup>132</sup> the 2009 PER recommended that entities making independent expenditures over \$1,000 be mandated to disclose their activity.<sup>133</sup> The 2010 Charter Revision Commission proposed a Charter amendment to codify this recommendation, which was adopted by the voters.<sup>134</sup> In the 2021 election alone, the CFB made public the available information regarding \$40.7 million in independent expenditures.<sup>135</sup>

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**130** New York City Charter Revision Commission. “[Report of the New York City Charter Revision Commission December 1986–November 1988.](#)”

**131** Ibid.

**132** Kennedy, Anthony M, and Supreme Court Of The United States. [U.S. Reports: Citizens United v. Federal Election Comm’n](#), 558 U.S. 310. 2009. Periodical. Retrieved from the Library of Congress.

**133** 2009 Post Election Report. “[Board Recommendations.](#)”

**134** New York City Charter Revision Commission. “[Final Report of the 2010 New York City Charter Revision Commission.](#)”

**135** See section on [Independent Expenditures.](#)

The City Council and numerous other Charter Revision Commissions have also recognized the necessity for changes, and all major expansions of the campaign finance program have resulted from local laws and ballot proposals. The CFB included recommendations for improving the program in previous PERs, some of which are listed in Table 6.1. These improvements, from disclosing independent expenditures to lowering contribution limits and more, have shaped New York City’s program into one of the strongest and most effective campaign finance systems in the country.<sup>136</sup>

**Table 6.1** PER recommendations enacted by local law from 2009–Present

Recommendation Name	Year Recommended
<b>Ballot Question #2 of 2010<sup>137</sup></b>	
<b>Mandate disclosure of independent expenditures to the CFB</b>	2009
<b>LL40-2014</b>	
<b>Require that campaign communications identify sources of funding</b>	2009
<b>Ban anonymous campaign communications</b>	2013
<b>LL41-2014</b>	
<b>Strengthen disclosure of independent expenditures</b>	2013

<sup>136</sup> For a succinct summary of changes made through Local Law, please see the [Committee Report of the Governmental Affairs Division of the New York City Council](#), 11 Jun 2019.

<sup>137</sup> New York City Charter Revision Commission. “[Final Report of the 2010 New York City Charter Revision Commission](#).”

Recommendation Name	Year Recommended
<b>LL166-2016</b>	
<b>Equalize TIE contribution limits and campaign contribution limits</b>	2013
<b>LL167-2016</b>	
<b>Reduce the impact of bundling by people doing business with the city</b>	2013
<b>LL168-2016</b>	
<b>Make determinations about public funds payments earlier in the election cycle</b>	2013
<b>LL169-2016</b>	
<b>Clarify eligibility requirements for debates</b>	2013
<b>LL171-2016</b>	
<b>Extend ban on accepting contributions from non-registered political committees to non-participants</b>	2013
<b>LL172-2016</b>	
<b>Add disclosure requirements for entities with an ownership interest in doing business entities</b>	2013
<b>LL173-2016</b>	
<b>Remove requirement that candidates obtain receipts from COIB</b>	2009, 2013

Recommendation Name	Year Recommended
<b>LL128-2019<sup>138</sup> &amp; Ballot Question #1 of 2018<sup>139</sup></b>	
<b>End the “Statement of Need” requirement for candidates who face publicly financed opponents</b>	2013
<b>Lower the contribution limits for Mayor, Public Advocate, Comptroller, Borough President, and City Council<sup>140</sup></b>	2017
<b>Increase the matching funds formula for Mayor, Public Advocate, and Comptroller to \$8-to-\$1<sup>141</sup></b>	2017
<b>Increase the public funds cap<sup>142</sup></b>	2017

**138** New York City Council [LL128-2019](#) served as implementing legislation for Ballot Question #1 of 2018, proposed by the 2018 Charter Revision Commission, which is discussed further in the Introduction to this report. LL128-2019 also included several provisions not part of Ballot Question #1 of 2018, such as raising the cap on public funds received by participating candidates to 89% of the spending limit, allowing 2021 candidates to opt into previous program parameters, and adjusting payment dates and disclosure deadlines to reflect a new June primary date.

**139** New York City Charter Revision Commission. [“Final Report of the 2018 New York City Charter Revision Commission.”](#)

**140** The 2017 PER recommended lowering contribution limits to \$2,250 for Mayor, Public Advocate, and Comptroller; \$1,750 for Borough President; \$1,250 for City Council. LL128/2019 lowered contribution limits by \$250 further per office to \$2,000 for Mayor, Public Advocate, and Comptroller; \$1,500 for Borough President; \$1,000 for City Council.

**141** The 2017 PER recommended matching for the first \$250 from New York City residents, while LL128-2019 made the first \$250 matchable for contributions to candidates for citywide office and the first \$175 for Borough President and City Council candidates.

**142** The 2017 PER recommended increasing the public funds cap from 55% to 65% of the spending limit; Ballot Question #1 of 2018 increased the public funds cap from 55% to 75% of the spending limit; and LL128-2019 increased the public funds caps further to 89% of the spending limit.

Recommendation Name	Year Recommended
LL15-2021	
<b>Bar public funds payments to candidates who have been convicted of a felony related to public office</b>	2017

Three recent changes in particular, stemming from recommendations in the CFB’s 2017 PER, modified fundamental components of the Program. For example, following the analysis of campaign reliance on public matching funds in 2017, the CFB recommended an increase in the matching rate from \$6-to-\$1 to \$8-to-\$1, in order to incentivize more small-dollar fundraising for citywide offices.<sup>143</sup> The recommendation to decrease contribution limits complemented that proposal, consequently reducing the impact of big money in City elections.<sup>144</sup> The CFB also advocated for increasing the public funds cap, which would make candidates less reliant on private money.<sup>145</sup>

The 2018 Charter Revision Commission proposed these changes—to increase the matching formula, increase the public funds cap, and lower the contribution limits for all citywide offices—as a ballot question. Voters passed the proposal, which went into effect on January 1, 2019.<sup>146</sup> Implementing legislation enacted by the Council in July 2019 also further increased the public funds cap to 89% of the spending limit and created the ability for 2021 candidates to opt into the program parameters available before the passage of Ballot Question 1.<sup>147</sup>

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<sup>143</sup> [2017 Post Election Report](#) (p. 45, 122).

<sup>144</sup> Ibid., p. 127.

<sup>145</sup> Ibid., p. 123.

<sup>146</sup> New York City Charter Revision Commission. “[Final Report of the 2018 New York City Charter Revision Commission](#).”

<sup>147</sup> New York City Council. [Local Law 128-2019](#).

Apart from changes to the campaign finance program, the 2021 election cycle was also the first time Ranked Choice Voting<sup>148</sup> was used in the primary and was also the first year the citywide primary election took place in June instead of September.<sup>149</sup> The city also faced the COVID-19 pandemic, which added greater uncertainty into an already monumental election cycle. These three legal and social changes likely also impacted city elections and how candidates campaigned and fundraised.

The enormous, fundamental changes in the program in 2021 coupled with the changes described above make it difficult to clearly evaluate the impact of those changes and recommend new policies. Thus, this year's report has fewer policy and legislative recommendations than previous reports. It is prudent to wait to understand the impact of the program changes separate from these novel social conditions and with additional data from the 2023 and 2025 election cycles. Maintaining a strong and effective system means prioritizing successful policy over constant change.

Though the number of recommendations is small, they each address trending issues currently impacting elections while protecting the ethical foundation of the program. The following chapter outlines changes that can be made by the New York State Legislature related to campaign contributions using cryptocurrency and spending on ballot proposals by foreign nationals.

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**148** New York City Council. [Local Law 215-2019](#).

**149** New York State Senate. S1103 (2019–20). "[Relates to primary elections and the timely transmission of ballots to military voters stationed overseas.](#)"

## Cryptocurrencies as Campaign Contributions

Campaign contribution laws at the federal, state, and city levels aim to bring greater transparency and accountability to the political system. In New York, all campaigns can receive contributions by check, credit or debit card, cash or money order, text message, or by donations of goods or services—also known as in-kind contributions. Contribution limits are dependent on the office sought and participation status in New York City’s public matching funds program. For example, in 2021, the contribution limit for a City Council candidate was \$1,000 for a matching funds participant or \$2,850 for a non-participant.<sup>150</sup>

Different regulations and contribution limits also apply to different contribution methods, to counter unique risks associated with those methods. For example, cash contributions are capped at a lower level to mitigate the risk of donations made in the name of another person, which are known as straw donations. Both federal<sup>151</sup> and state<sup>152</sup> law require cash contributions to be \$100 or less. Cash is held to a higher standard because it is more difficult to authoritatively associate cash with individual donors unlike methods associated with a contributor’s personal account, such as contributions made by credit card or check.

Campaigns are required to report all contributions received to the CFB through scheduled disclosure statements.<sup>153</sup> Campaigns are required by law to report the contributor’s name, residential address, occupation, employer, and business address for all contributions. While at the federal level, campaigns are allowed to receive anonymous contributions up to \$50,<sup>154</sup> anonymous contributions of any amount are illegal in New York.<sup>155</sup> To provide transparency around how candidates are funding their campaigns, contribution information is available to the public

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**150** New York City Administrative Code § [3-703\(1\)](#).

**151** Federal Election Commission. “[Contribution Limits](#).”

**152** New York State Election Law § [14-118](#).

**153** New York City Administrative Code § [3-703\(6\)](#).

**154** Federal Election Commission. “[Contribution Limits](#).”

**155** New York State Election Law § [14-128](#).

through the CFB's Follow the Money portal.<sup>156</sup> Contributions claimed for match through the City's public matching funds program must also be documented to show that reporting is accurate.<sup>157</sup>

Cryptocurrencies pose a particular challenge as their regulation is not clearly contemplated by current contribution rules and regulations.

## What is Cryptocurrency

Cryptocurrencies are decentralized, encrypted digital currencies, the most popular of which are Bitcoin and Ethereum.<sup>158</sup> Unlike a traditional currency which is issued and backed by a central bank, cryptocurrencies are not governed by a centralized authority. Transactions are recorded on a public, distributed ledger system, known as a blockchain, and these records are shared across different computers in the network. There are also no physical representations; instead, cryptocurrencies only exist digitally. Every cryptocurrency user has public and private keys that allow them to access, transfer, and prove ownership of their cryptocurrency stored on the blockchain. These keys are the cryptographic equivalent of the account and routing numbers associated with a checking account. Cryptocurrency can be used to purchase goods and services at merchants who accept that cryptocurrency, or can be converted by an exchange service into a traditional currency, such as the U.S. dollar.<sup>159</sup>

Cryptocurrencies are anonymous or pseudonymous systems. Depending on which currency a user has, it is possible to remain completely anonymous during exchanges or to list a permanent address that is in no way associated with their real identity.<sup>160</sup> Before allowing a person to open a checking or savings account, a commercial bank must first verify a person's identity through a multistep process governed by federal banking law. Centralized cryptocurrency exchanges must comply with state and federal regulations in instances where cryptocurrency is exchanged into regular currency. For decentralized exchanges, including some cryptocurrency systems, there is no centralized authority governing access and no similar barrier to entry for users.

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<sup>156</sup> New York City Campaign Finance Board. "[Follow the Money](#)."

<sup>157</sup> New York City Administrative Code § [3-703\(1\)](#).

<sup>158</sup> Hyatt, John. "[Decoding Crypto: The 10 Most Popular Cryptocurrencies](#)." *Nasdaq*, 05 Aug 2021.

<sup>159</sup> Roose, Kevin. "[The Latecomer's Guide to Crypto](#)." *The New York Times*, 18 Mar 2022.

<sup>160</sup> Ibid.



Currently, the exchange rate between cryptocurrencies and government-issued currencies is highly volatile and based on constantly fluctuating market demand.<sup>161</sup> The fluctuating value is similar to how valuations are conducted for stocks. However, unlike stocks which have a set value at the close of a trading day, cryptocurrency trading and valuations happen 24 hours a day, 7 days a week.<sup>162</sup> These factors can lead to drastic changes in valuation throughout a single day or even hour-by-hour.

## Campaign Regulatory and Compliance Issues

Campaigns across the country are already accepting cryptocurrency contributions and some view them as a way to energize younger voters and increase political participation.<sup>163</sup> In June 2021, the National Republican Congressional Committee (NRCC) began accepting donations in cryptocurrencies, becoming the first national party committee to do so.<sup>164</sup> So far in the current election cycle, political committees have received \$580,000 in cryptocurrency donations.<sup>165</sup> Additionally, a new fundraising platform launching in 2022 aims to help federal campaigns accept and process cryptocurrency donations.<sup>166</sup> As more established political organizations begin to accept cryptocurrency, regulating the digital currency becomes more imperative.

Since 2014, the Federal Election Commission (FEC) has allowed federal campaigns to receive donations in Bitcoin, and it classifies them as in-kind contributions under the umbrella term of “anything of value”.<sup>167</sup> The classification chosen directly impacts how campaigns are able

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<sup>161</sup> Lapin, Nicole. “[Explaining Crypto’s Volatility](#).” *Forbes*, 23 Dec 2021.

<sup>162</sup> Roose, Kevin. “[The Latecomer’s Guide to Crypto](#).” *The New York Times*, 18 Mar 2022.

<sup>163</sup> Selsky, Andrew and Steve Leblanc. “[Digital currencies flow to campaigns, but state rules vary](#).” *The Associated Press*, 05 Jun 2022.

<sup>164</sup> Culliford, Elizabeth. “[Republican congressional committee will start accepting cryptocurrency donations](#).” *Reuters*, 17 Jun 2021.

<sup>165</sup> Allison, Bill. “[Crypto’s Preferred Currency for Political Donations Isn’t Bitcoin. It’s Dollars](#).” *Bloomberg*, 17 Mar 2022.

<sup>166</sup> Schwartz, Brain. “[New crypto fundraising start-up will take political donations in digital currencies as 2022 midterms heat up](#).” *CNBC*, 16 Jun 2022.

<sup>167</sup> Federal Election Commission. “[Advisory Opinion # 2014-02](#).”

to receive or spend cryptocurrency. For example, as an in-kind contribution, cryptocurrency is subject only to regular contribution limits. If the FEC had chosen to view cryptocurrency similarly to cash contributions, it would be restricted to the \$100 limit governing cash. FEC regulations also state that campaigns cannot directly use Bitcoin to purchase goods or services; they have to first liquidate the currency.<sup>168</sup>

The erratic valuation means a campaign might report a cryptocurrency contribution under the legal contribution limit at the time they receive the donation, but find that the value is over the limit by the time of its conversion into U.S. dollars. Federal campaigns must continue to follow requirements for returning contributions that are from prohibited sources, over the contribution limit, or otherwise illegal.<sup>169</sup> Thus, the campaign is required to track each Bitcoin donation through liquidation to ensure that it has not received an over-the-limit contribution.

Seven states or jurisdictions also affirmatively allow cryptocurrency contributions to candidates: Arizona<sup>170</sup>, D.C.<sup>171</sup>, Colorado<sup>172</sup>, Massachusetts<sup>173</sup>, Montana<sup>174</sup>, Tennessee<sup>175</sup>, and Washington<sup>176</sup>. These jurisdictions, following the FEC's definition, view cryptocurrencies as in-kind contributions allowed by their contribution guidelines.

Some states disagree with the FEC's stance on cryptocurrency and have enacted restrictions which prohibit its use. Four states have banned cryptocurrency use in political campaigns: California,<sup>177</sup>

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**168** Federal Election Commission. "[Advisory Opinion # 2014-02](#)."

**169** Federal Election Commission. "[How to Report: Bitcoin contributions](#)."

**170** Arizona Secretary of State. "[Campaign Finance - Candidate Guide](#)."

**171** District of Columbia Board of Elections. [3 DCMR §§ 3008, 3011](#).

**172** Colorado Secretary of State. [8 CCR § 1505-6-10.7](#).

**173** Massachusetts Office of Campaign and Political Finance. [AO 2014-01](#).

**174** Montana Commissioner of Political Practices. [COPP-2014-AO-001](#).

**175** Tennessee Code Annotated. § [2-10-113](#).

**176** Washington Public Disclosure Commission. [PDC Interpretation No. 00-02](#).

**177** California Code of Regulations. § [18215.4](#).

North Carolina,<sup>178</sup> Oregon,<sup>179</sup> and South Carolina.<sup>180</sup> All four cited the volatility of a cryptocurrency's value, which makes it difficult for campaigns to comply with contribution limits that are intended to limit corruption or the appearance of corruption. The decentralized nature of cryptocurrency also makes it challenging for campaigns to collect the information needed for public disclosure to verify the true sources of contributions.

Currently, New York State law does not classify cryptocurrency. However, of all methods of campaign contributions that are currently defined, cryptocurrency most closely resembles cash. Similar to cryptocurrency, the anonymous nature of cash creates a lack of documentable ownership. Cash contribution limits are lower to reflect this. State law maintains that campaigns are only allowed to receive contributions over \$100 in the form of a “check, draft or other instrument payable to the candidate...and signed or endorsed by the donor; except...by credit card, provided that such candidate...is required to preserve...a copy of the document which was submitted to secure payment of the funds so contributed.”<sup>181</sup>

Cash donations are not prohibited entirely, because they make room in the political system for people without access to traditional banking. In 2019, the Federal Deposit Insurance Corporation reported that about 7.1 million households in the U.S. were unbanked, or did not have a checking or savings account at a bank or credit union.<sup>182</sup> The most common reason households were unbanked were because they lacked the funds necessary to meet minimum balance requirements.<sup>183</sup> By limiting cash contributions to \$100, unbanked persons are not prohibited from participating in the political system simply because they are not able to qualify for a bank account or line of credit.

Cryptocurrency users do not face those same barriers to participation. While campaigns may desire to attract the cryptocurrency user base, there is no indication that the users, who are

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**178** North Carolina Board of Elections and Ethics Enforcement. NC REG TEXT 501196.

**179** Oregon Revised Statutes. § [260.011](#).

**180** South Carolina State Ethics Commission. [AO2021-001](#).

**181** New York State Election Law § [14-118](#).

**182** Federal Deposit Insurance Corporation. “[How America Banks: Households Use of Banking and Financial Services](#).” 17 Dec 2021.

**183** Ibid.

predominantly white, male, and affluent,<sup>184</sup> are restricted from existing political contribution methods. In order to buy cryptocurrencies, a user must first transfer money through a bank account, credit or debit card, or wire transfer to a cryptocurrency exchange service.<sup>185</sup> Unlike cash, cryptocurrency donations would not open the door for contributors who solely rely on cryptocurrency; it would only allow another method of participation for those who already have access.

Cryptocurrency contributions present further challenges for regulatory bodies overseeing public matching funds programs, including the CFB. For campaigns participating in the CFB’s matching funds program, the bar for contributions eligible to be matched by public funds is even higher. These contributions are audited to ensure they meet the strict documentation and reporting guidelines of the program, including, most importantly, that the contributor is a resident of New York City.<sup>186</sup> Verifying the source and amount of each contribution ensures that the goal of the matching funds program—to magnify the value of small contributions from New York City residents—is served and that taxpayer dollars are not wasted or improperly used.

In New York City, cash contributions are only eligible to be matched with public funds if accompanied by a contribution card signed by the contributor and affirming that the funds are their own.<sup>187</sup> Furthermore, for a contribution to be matchable and to count towards the two-part threshold to qualify for public funds payments,<sup>188</sup> the source of the contribution must be verifiable. For example, a contributor’s address is certified to be within New York City to determine matchability, and certified to be “in-district” to count towards the public funds threshold. Contributions claimed for match must be readily documented by campaigns, and the anonymized ledger holding cryptocurrency transactions makes it nearly impossible for campaigns to provide verification documentation. Moreover, the volatility of cryptocurrencies makes it difficult to confirm the amount of a contribution, which is essential for determining the amount of corresponding matching funds and for ensuring that contributions do not exceed the legal limits.

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**184** Roose, Kevin. “[The Latecomer’s Guide to Crypto](#).” *The New York Times*, 18 Mar 2022.

**185** Tretina, Kat. “[How to Buy Cryptocurrency](#).” *Forbes*, 15 May 2022.

**186** New York City Campaign Finance Board. “[Invalid Matching Claims \(IMC\) Codes](#).”

**187** New York City Campaign Finance Board. “[Contribution Card](#).”

**188** New York Administrative Code § [3-705](#).

## **Recommendation #1:**

### **Prohibit campaigns from receiving cryptocurrency donations**

#### **The State Legislature should pass legislation that bars campaigns from receiving contributions in the form of cryptocurrencies.**

New York State is preparing to roll out a matching funds program for state offices, which would operate similarly to the city's program. Consistent regulation regarding cryptocurrency contributions to city and state campaigns would simplify compliance and enforcement at both levels and avoid causing confusion among candidates.

In recognition of their anonymous or pseudonymous nature and their volatile valuations, cryptocurrencies should not be considered a valid form of campaign contributions. Cryptocurrencies heavily interfere with the campaign finance work of the CFB, and the relatively new system would only serve to weaken the protections against corruption or the appearance of corruption. Additionally, the existence of other accessible forms of contributions means that cryptocurrency users are included in the public financing system.

## Foreign Influence on Ballot Proposals

In New York, foreign nationals—foreign citizens, governments, political parties, and business entities—are prohibited from making independent expenditures in any state or local election.<sup>189</sup> State and local elections are also covered by the Federal Election Campaign Act (FECA), which prohibits foreign nationals from contributing to or spending money on an election. FECA also prevents campaigns from soliciting donations from such individuals and entities.<sup>190</sup> Russian involvement in the 2016 Presidential election highlights why foreign nationals are prohibited from contributing to candidates running for office: Outside pressure on local elections manipulates the democratic process and dilutes the impact of the voters actually affected by these elections.<sup>191</sup>

However, New York law includes an additional level of regulation on financing ballot proposals that goes beyond FECA's definition. Ballot proposals<sup>192</sup>—sometimes also called initiatives, questions, measures, propositions, or referenda—are a way for citizens to directly approve or reject amendments to state or local law.<sup>193</sup> In many cases, groups form to advocate for and against passage of such ballot proposals, which trigger New York State's and New York City's independent expenditure regulations. Though voters decide on ballot proposals during elections, the Federal Election Commission (FEC) has adopted a narrower definition of the word "election," surfacing a potential loophole foreign actors could use to influence elections.

In response to a complaint about a 2018 ballot initiative in Montana, the FEC ruled in 2021 that foreign nationals were allowed to contribute to a ballot initiative as long as a candidate is not linked to the initiative.<sup>194</sup> The basis of this decision was the interpretation of FECA and its

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<sup>189</sup> New York State Election Law § [14-107](#).

<sup>190</sup> 52 U.S. Code. § [30121\(a\)](#).

<sup>191</sup> Kim, Young Mie. "[New Evidence Shows How Russia's Election Interference Has Gotten More Brazen.](#)" *Brennan Center for Justice*, 05 Mar 2020.

<sup>192</sup> In order for a proposed change to the New York State constitution to become a ballot proposal, it must be passed by the State Senate and State Assembly in two consecutive terms. Voters then vote "Yes" or "No" on the proposal. If a majority of New Yorkers vote "Yes," then the change goes into effect.

<sup>193</sup> Ballotpedia. "[Ballot initiative](#)."

<sup>194</sup> Stanley-Becker, Isaac. "[Foreign nationals can finance ballot initiatives, FEC affirms.](#)" *Washington Post*, 02 Nov 2021.

associated regulations as only applying to candidate elections and not ballot proposals. Since they believe states' ballot proposals do not fall under the scope of "elections", they are thus excluded from the law's regulations. As independent expenditures cannot be restricted<sup>195</sup>, this opens the door for foreign entities to spend unlimited amounts of money on state and local issues.

The New York State Election Law defines an "election" as all general, special and primary elections.<sup>196</sup> Ballot initiatives are included in this definition since they are a part of general elections, which distinguishes it from the federal definition. Even with this definition, there are ways for foreign nationals to participate in elections. New York's independent expenditure law may leave the door open for contributions by foreign nationals to committees that make expenditures in connection with ballot proposal elections. In order to ensure that foreign money does not influence ballot proposals in New York, the state must make sure to close this loophole.

Other states have already adopted legislation to restrict foreign activity in their elections. Both California and Maryland prohibit certain foreign actors—foreign governments, political parties, companies, subsidiaries of foreign companies, and most individuals outside of the U.S.—from contributing to ballot measures or spending related to advocating on ballot measures.<sup>197,198</sup> Washington has a similar law that bans contributions and expenditures from foreign nationals in support of or in opposition to ballot measures.<sup>199</sup>

At least six other states—Illinois, Massachusetts, Minnesota, Nebraska, Ohio, and Oregon—have attempted to or are in the process of passing legislation to put an end to influence by foreign nationals in ballot proposals.<sup>200</sup> In 2021, legislators in Maine attempted to stop foreign governments from influencing their ballot proposals in response to a Quebec government-owned utility company spending \$10 million against a proposal to end a hydropower project. Though the

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**195** Kennedy, Anthony M, and Supreme Court Of The United States. [\*U.S. Reports: Citizens United v. Federal Election Comm'n\*](#), 558 U.S. 310. 2009. Periodical. Retrieved from the Library of Congress.

**196** New York Election Law § [14-100\(11\)](#).

**197** California Government Code § [85320\(a\)](#).

**198** Maryland Election Law § [13-236.1](#).

**199** Revised Code of Washington. § [42.17A.417](#).

**200** McKean, Aaron. "[States Take the Lead to Stop Foreign Interference in Elections](#)." *Campaign Legal Center*, 17 Mar 2021.

bill passed with significant support in both the House and the Senate, the Governor vetoed the bill claiming it would interfere with the democratic process.<sup>201</sup>

## **Recommendation #2:**

### **Eliminate potential foreign influence on ballot proposals**

**The New York State Legislature should pass legislation that prohibits foreign nationals, including governments and business entities, from spending money on ballot proposal campaigns.**

In 2018, the City Council introduced a bill that would prohibit contributions and expenditures by foreign nationals in “covered elections”.<sup>202</sup> The bill was never voted on; however, even if it were passed it would not have encompassed the issues presented above. According to the Campaign Finance Act “covered elections” includes primary, special, general, and any special elections for citywide elected offices. It does not include ballot proposals.<sup>203</sup>

In accordance with practices in other states, New York should make sure that restrictions against foreign nationals making expenditures in connection with ballot proposal elections also cover contributions to committees making those expenditures. Ballot proposals are designed to include voter opinions on state and local issues. These measures often relate to changing the State Constitution or City Charter, documents which provide long-term and absolute guidance to residents and elected officials. Independent expenditures, which cannot be limited, offer foreign nationals the possibility of swaying an election against the interests of local residents. The law should prohibit foreign nationals from making contributions or expenditures in connection with ballot measures, and prohibit local entities from soliciting and receiving foreign contributions.

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**201** Mistler, Steve. “[Mills Vetoes Bill That Would Have Barred Foreign Government-Owned Entities From Electioneering In Ballot Campaigns.](#)” *Maine Public*, 24 Jun 2021.

**202** New York City Council. Int. 1074-2018: “[A Local Law to amend the administrative code of the city of New York, in relation to spending by foreign nationals and foreign-influenced entities in connection with city elections.](#)”

**203** New York Administrative Code § [3-702\(10\)](#).



# Independent Spending

## A1 Independent Spending in Mayoral Race by Candidate<sup>204</sup>

Candidate Information			Independent Spending			
Candidate	Incumbent?	Win?	Not Determined	Negative	Positive	Grand Total
<b>Adams, Eric L</b>	Open seat	Yes	\$66,764	\$14,987	\$8,039,918	\$8,121,669
<b>Donovan, Shaun</b>	Open seat	No	\$11,606	\$0	\$6,490,779	\$6,502,385
<b>Garcia, Kathryn A</b>	Open seat	No	\$66,764	\$0	\$235,000	\$301,764
<b>McGuire, Raymond J</b>	Open seat	No	\$66,764	\$0	\$5,749,716	\$5,816,480
<b>Morales, Dianne</b>	Open seat	No	\$11,606	\$0	\$1,425	\$13,031
<b>Stringer, Scott M</b>	Open seat	No	\$11,606	\$0	\$4,752,825	\$4,764,431
<b>Wiley, Maya D</b>	Open seat	No	\$66,764	\$0	\$1,975,235	\$2,041,999
<b>Yang, Andrew</b>	Open seat	No	\$66,764	\$166,987	\$3,845,872	\$4,079,624

<sup>204</sup> The Mayoral race also featured \$540,622 in “neutral” spending that neither opposed nor supported any candidate.

**A2 Independent Spending on Public Advocate Race by Candidate**

Candidate Information			Independent Spending		
Candidate	Incumbent?	Win?	Negative	Positive	Grand Total
<b>Williams, Jumaane D</b>	Yes	Yes	\$0	\$53,972	\$53,972

**A3 Independent Spending on Comptroller Race by Candidate**

Candidate	Office	Incumbent?	Win?	Negative	Positive	Grand Total
<b>Caruso-Cabrera, Michelle</b>	Comptroller	Open seat	No	\$0	\$305,174	\$305,174
<b>Johnson, Corey D</b>	Comptroller	Open seat	No	\$127,704	\$790,229	\$917,933
<b>Lander, Brad</b>	Comptroller	Open seat	Yes	\$0	\$258,707	\$258,707
<b>Weprin, David I</b>	Comptroller	Open seat	No	\$0	\$2,217	\$2,217

#### A4 Independent Spending on Borough President (BP) Races by Candidate

Candidate	Office	Incumbent?	Win?	Negative	Positive	Grand Total
<b>Fernandez, Nathalia</b>	Bronx BP	Open seat	No	\$0	\$36,956	\$36,956
<b>Gibson, Vanessa L</b>	Bronx BP	Open seat	Yes	\$0	\$318,315	\$318,315
<b>Cornegy, Jr., Robert E</b>	Brooklyn BP	Open seat	No	\$0	\$223,280	\$223,280
<b>Reynoso, Antonio</b>	Brooklyn BP	Open seat	Yes	\$0	\$14,839	\$14,839
<b>Hoylman, Brad</b>	Manhattan BP	Open seat	No	\$0	\$3,008	\$3,008
<b>Levine, Mark</b>	Manhattan BP	Open seat	Yes	\$0	\$9,017	\$9,017
<b>Richards, Donovan</b>	Queens BP	Yes	Yes	\$0	\$45,424	\$45,424
<b>Van Bramer, Jimmy</b>	Queens BP	No	No	\$73,065	\$0	\$73,065
<b>Fossella, Vito</b>	Staten Island BP	Open seat	Yes	\$0	\$1,400	\$1,400
<b>Matteo, Steven</b>	Staten Island BP	Open seat	No	\$0	\$10,156	\$10,156

## A5 Independent Spending on City Council Races Races by Candidate

Candidate	Office	District	Incumbent?	Win?	Negative	Positive	Grand Total
<b>Low, Jenny L</b>	City Council	1	Open seat	No	\$0	\$147,166	\$147,166
<b>Marte, Christopher</b>	City Council	1	Open seat	Yes	\$65,599	\$16,785	\$82,383
<b>Rivera, Carlina</b>	City Council	2	Yes	Yes	\$0	\$4,198	\$4,198
<b>Bottcher, Erik</b>	City Council	3	Open seat	Yes	\$0	\$56,526	\$56,526
<b>Lamorte, Rebecca</b>	City Council	5	Open seat	No	\$0	\$51,467	\$51,467
<b>Menin, Julie</b>	City Council	5	Open seat	Yes	\$0	\$387,036	\$387,036
<b>Moscaritolo, Kim</b>	City Council	5	Open seat	No	\$0	\$10,434	\$10,434
<b>Brewer, Gale A</b>	City Council	6	Open seat	Yes	\$0	\$24,177	\$24,177
<b>Abreu, Shaun</b>	City Council	7	Open seat	Yes	\$0	\$207,111	\$207,111
<b>Cleare, Cordell</b>	City Council	9	Open seat	No	\$0	\$3,201	\$3,201
<b>De La Rosa, Carmen N</b>	City Council	10	Open seat	Yes	\$0	\$237,400	\$237,400
<b>Garcia, Johanna</b>	City Council	10	Open seat	No	\$0	\$3,500	\$3,500

Candidate	Office	District	Incumbent?	Win?	Negative	Positive	Grand Total
<b>Dinowitz, Eric</b>	City Council	11	Yes	No	\$0	\$121,253	\$121,253
<b>Lora, Mino</b>	City Council	11	No	No	\$0	\$4,426	\$4,426
<b>Riley, Kevin C</b>	City Council	12	Yes	Yes	\$0	\$27,216	\$27,216
<b>Velazquez, Marjorie</b>	City Council	13	Open seat	Yes	\$0	\$45,837	\$45,837
<b>Abreu, Adolfo</b>	City Council	14	Open seat	No	\$58,430	\$39,934	\$98,364
<b>Sanchez, Pierina A</b>	City Council	14	Open seat	Yes	\$0	\$114,257	\$114,257
<b>Bravo, Ischia</b>	City Council	15	No	No	\$0	\$126,747	\$126,747
<b>Feliz, Oswald</b>	City Council	15	Yes	No	\$0	\$28,527	\$28,527
<b>Stevens, Althea</b>	City Council	16	Open seat	Yes	\$0	\$102,438	\$102,438
<b>Salamanca, Rafael</b>	City Council	17	Yes	Yes	\$0	\$21,426	\$21,426
<b>Farias, Amanda</b>	City Council	18	Open seat	Yes	\$0	\$76,609	\$76,609
<b>Shafran, Austin</b>	City Council	19	Open seat	No	\$0	\$157,765	\$157,765
<b>Choe, John</b>	City Council	20	Open seat	No	\$75,728	\$4,522	\$80,250

Candidate	Office	District	Incumbent?	Win?	Negative	Positive	Grand Total
<b>Ung, Sandra</b>	City Council	20	Open seat	Yes	\$0	\$129,622	\$129,622
<b>Moya, Francisco P</b>	City Council	21	Yes	Yes	\$0	\$78,221	\$78,221
<b>Caban, Tiffany</b>	City Council	22	Open seat	Yes	\$10,294	\$4,814	\$15,108
<b>Behar, Steve</b>	City Council	23	Open seat	No	\$0	\$659	\$659
<b>Kaur, Jaslin</b>	City Council	23	Open seat	No	\$95,610	\$4,522	\$100,132
<b>Lee, Linda</b>	City Council	23	Open seat	Yes	\$0	\$46,080	\$46,080
<b>Ahmed, Moumita</b>	City Council	24	Open seat	Yes	\$68,173	\$3,500	\$71,673
<b>Krishnan, Shekar</b>	City Council	25	Open seat	Yes	\$0	\$101,918	\$101,918
<b>Tran, Carolyn T</b>	City Council	25	Open seat	No	\$0	\$17,423	\$17,423
<b>Bagga, Amit S</b>	City Council	26	Open seat	No	\$0	\$142,224	\$142,224
<b>Forman, Julia</b>	City Council	26	Open seat	No	\$0	\$29,285	\$29,285
<b>Laymon, Jesse D</b>	City Council	26	Open seat	No	\$0	\$4,857	\$4,857
<b>Young, Ebony R</b>	City Council	26	Open seat	No	\$0	\$1,000	\$1,000

Candidate	Office	District	Incumbent?	Win?	Negative	Positive	Grand Total
<b>Clark, Jason</b>	City Council	27	Open seat	Yes	\$0	\$32,769	\$32,769
<b>Miller, Harold C</b>	City Council	27	Open seat	No	\$0	\$61,029	\$61,029
<b>Williams, Nantasha</b>	City Council	27	Open seat	Yes	\$0	\$137,342	\$137,342
<b>Adams, Adrienne</b>	City Council	28	Yes	Yes	\$0	\$75,983	\$75,983
<b>Cyperstein, Avi</b>	City Council	29	Open seat	No	\$0	\$1,800	\$1,800
<b>Gagarin, Aleda F</b>	City Council	29	Open seat	No	\$0	\$3,500	\$3,500
<b>Schulman, Lynn</b>	City Council	29	Open seat	Yes	\$0	\$190,163	\$190,163
<b>Ardila, Juan D</b>	City Council	30	Open seat	No	\$0	\$70,718	\$70,718
<b>Holden, Robert F</b>	City Council	30	Yes	Yes	\$0	\$39,344	\$39,344
<b>Brooks-Powers, Selvena N</b>	City Council	31	Yes	Yes	\$0	\$16,178	\$16,178
<b>Ariola, Joann</b>	City Council	32	Open seat	Yes	\$0	\$179,038	\$179,038
<b>Scala, Michael G</b>	City Council	32	Open seat	No	\$0	\$53,085	\$53,085

Candidate	Office	District	Incumbent?	Win?	Negative	Positive	Grand Total
<b>Singh, Felicia</b>	City Council	32	Open seat	No	\$206,899	\$81,890	\$288,789
<b>Cambranes, Victoria E</b>	City Council	33	Open seat	No	\$0	\$4,656	\$4,656
<b>Restler, Lincoln</b>	City Council	33	Open seat	Yes	\$0	\$59,315	\$59,315
<b>Gutierrez, Jennifer</b>	City Council	34	Open seat	Yes	\$0	\$4,918	\$4,918
<b>Collymore, Renee</b>	City Council	35	Open seat	No	\$0	\$9,507	\$9,507
<b>Hollingsworth, Michael D</b>	City Council	35	Open seat	No	\$113,611	\$26,761	\$140,371
<b>Hudson, Crystal</b>	City Council	35	Open seat	Yes	\$0	\$240,590	\$240,590
<b>Butler, Henry L</b>	City Council	36	Open seat	No	\$0	\$84,078	\$84,078
<b>Moore, Tahirah A</b>	City Council	36	Open seat	No	\$0	\$1,750	\$1,750
<b>Osse, Chi A</b>	City Council	36	Open seat	Yes	\$0	\$36,750	\$36,750
<b>Diaz, Darma V</b>	City Council	37	Yes	No	\$0	\$177,973	\$177,973
<b>Nurse, Sandy</b>	City Council	37	No	Yes	\$0	\$102,593	\$102,593
<b>Aviles, Alexa</b>	City Council	38	Open seat	Yes	\$67,911	\$25,888	\$93,799



Candidate	Office	District	Incumbent?	Win?	Negative	Positive	Grand Total
<b>Hanif, Shahana</b>	City Council	39	Open seat	Yes	\$0	\$8,383	\$8,383
<b>Krebs, Justin M</b>	City Council	39	Open seat	No	\$0	\$23,603	\$23,603
<b>Rein, Briget</b>	City Council	39	Open seat	No	\$0	\$209,747	\$209,747
<b>Schneider, Douglas</b>	City Council	39	Open seat	No	\$0	\$35,405	\$35,405
<b>Morgan, Vivia</b>	City Council	40	Open seat	No	\$0	\$2,156	\$2,156
<b>Pierre, Josue</b>	City Council	40	Open seat	No	\$0	\$21,827	\$21,827
<b>Ampry-Samuel, Alicka</b>	City Council	41	Yes	No	\$0	\$19,251	\$19,251
<b>Lucas, Nikki</b>	City Council	42	Open seat	No	\$0	\$41,558	\$41,558
<b>Brannan, Justin</b>	City Council	43	Yes	Yes	\$0	\$23,996	\$23,996
<b>Fox, Brian</b>	City Council	43	No	No	\$70,000	\$0	\$70,000
<b>Yeger, Kalman</b>	City Council	44	Yes	Yes	\$0	\$1,000	\$1,000
<b>Louis, Farah</b>	City Council	45	Yes	Yes	\$0	\$82,156	\$82,156

Candidate	Office	District	Incumbent?	Win?	Negative	Positive	Grand Total
<b>Narcisse, Mercedes</b>	City Council	46	Open seat	Yes	\$0	\$9,569	\$9,569
<b>Paul, Shirley S</b>	City Council	46	Open seat	No	\$0	\$63,051	\$63,051
<b>Kagan, Ari</b>	City Council	47	Open seat	Yes	\$0	\$82,936	\$82,936
<b>Saperstein, Steven</b>	City Council	48	Open seat	No	\$0	\$150,317	\$150,317
<b>Tischler, Harold</b>	City Council	48	Open seat	No	\$21,672	\$0	\$21,672
<b>Barnes, Amoy K</b>	City Council	49	Open seat	No	\$0	\$90,475	\$90,475
<b>Grey, Selina</b>	City Council	49	Open seat	No	\$0	\$2,201	\$2,201
<b>Hanks, Kamillah M</b>	City Council	49	Open seat	Yes	\$0	\$128,250	\$128,250
<b>Ogunleye, Ranti</b>	City Council	49	Open seat	No	\$0	\$32,101	\$32,101
<b>Albanese, Sal F</b>	City Council	50	Open seat	No	\$0	\$386,596	\$386,596
<b>Carr, David M</b>	City Council	50	Open seat	Yes	\$0	\$28,126	\$28,126

**A6 2021 IMC Codes by Payee Status**

IMC Code	Program Veterans	First-time Payees
<b>DOC-1</b>	80	22
<b>DOC-11</b>	3	4
<b>DOC-12</b>	17	0
<b>DOC-2</b>	10	1
<b>DOC-3</b>	2	0
<b>DOC-5</b>	2	0
<b>DOC-6</b>	13	2
<b>DOC-7</b>	140	34
<b>DOC-8</b>	20	6
<b>DOC-9</b>	19	7
<b>LMT-1</b>	4	4
<b>LMT-2</b>	39	10
<b>LMT-3</b>	18	1
<b>OTH-2</b>	54	9
<b>RPT-1</b>	2	2
<b>RPT-2</b>	44	32
<b>RPT-3</b>	1	2
<b>RPT-4</b>	34	7

IMC Code	Program Veterans	First-time Payees
<b>RPT-5</b>	18	5
<b>RPT-6</b>	8	5
<b>RPT-7</b>	2	0
<b>RPT-8</b>	5	7
<b>SRC-10</b>	107	45
<b>SRC-11</b>	47	71
<b>SRC-12</b>	24	25
<b>SRC-13</b>	12	10
<b>SRC-14</b>	2	2
<b>SRC-16</b>	4	0
<b>SRC-3</b>	1	0
<b>SRC-5</b>	12	0
<b>SRC-7</b>	23	6
<b>SRC-8</b>	10	8
<b>SRC-9</b>	218	204
<b>SRC-15</b>	0	2