

Public Financing of Elections in NYS

The New York State Public Campaign Finance Program provides candidates running for statewide or state legislative office the ability to qualify for public matching funds based on small donations (\$5-\$250) from New York State residents.

The Program will begin on November 9, 2022 for all races, applicable to the next election cycle (2024 election for Senate & Assembly, 2026 election for statewide offices).

The deadline to opt in to the program is four months before the primary (note all candidates for the same office have the same contribution limits, regardless of participation in public matching funds program). See **Contribution Limits** chart below for specifics by office.

In order to qualify for public matching funds, candidates must:

- Open a new authorized committee with the NYS Board of Elections (NYSBOE).
- Submit an application to NYSBOE by 2/23/26 for statewide offices, 2/26/24 for legislative races.
- Raise a minimum number of matchable funds from a minimum number of New York State Residents.
- The fundraising thresholds vary by office sought. See **Public Financing Thresholds & Limits** chart below for specifics.

Further, candidates and treasurers must complete mandatory training and must qualify to appear on the ballot. If unopposed in the primary, a candidate may receive limited public funds. Candidates must file a Statement of Competitive Opposing Candidate with PCFB proving they are opposed by a competitive candidate. PCFB will confirm the competitive status of the opposing candidate. Payment limits are determined based on the competitive status of one's opponent and office sought. See **Public Financing Thresholds & Limits** chart below for specifics on limits for public matching funds.

For candidates who qualify and report matchable contributions, matching funds payments for the primary start as early as thirty days after designating petitions or certificates of nomination have been filed, and payments for the general start as early as the day after the primary.

Matchable Contributions

To be eligible for matching funds, a candidate must raise a minimum number of matchable contributions from a minimum number of New York State Residents. For example: For a Gubernatorial candidate to be eligible, the candidate must raise at least \$500,000 of matchable contributions from a minimum of 5,000 eligible donors.

Matchable contributions are between \$5 and \$250, provided those contributions come from a natural person who is a resident of New York State. Any single contribution below \$5 or in excess of \$250 is not eligible for matching funds.

Note: any portion of a single contributor's contribution to a specific candidate is not matchable if such contributor's aggregate contributions to such candidate are in excess of two-hundred fifty dollars to such participating candidate for nomination or election in the election cycle.

For examples of what contributions qualify and do not qualify for public matching funds and eligibility thresholds, see the chart below or refer to E.L. §14-203(2) of NYS Election Law for more details.

The program puts other cost-control limits on the amount of matching funds a candidate can receive:

- **Unopposed candidates:** A participating candidate in the program who is unopposed on the ballot shall **not** be entitled to a payment of matching funds, except if such candidate is to be opposed in the general election by the winner of a major party primary, then such candidate who is unopposed in the primary election may receive public funds before the primary election, for expenses incurred on or before the date of such primary election, in an amount equal to up to half the sum set forth in paragraph one of this section.
- **Small primaries:** In primaries with fewer than 1,000 eligible voters, the maximum a candidate can earn in matching funds is \$5,000.
- **Uncompetitive races:** If a candidate’s opponent is not “competitive,” per criteria to be set in regulation, the maximum that candidate may earn is 25% of the usual limit for that office. *See definition of competitive race at end of this document.*

Candidates are not permitted to use personal funds/property for the campaign, except for contributing to the authorized committee in an amount no more than three times the non-family limit for the office. For purposes of this program, loans from the candidate are considered "use of personal funds"; accordingly, a candidate may only loan their campaign up to three times the non-family limit for the office.

Participating statewide candidates must take part in at least one debate and meet the debate financial criteria. The debate must be moderated, an hour in length, and involve reciprocal discussion.

All authorized committees for statewide candidates are audited by PCFB (regardless of participation in the Program), and those who receive public funds must provide a detailed accounting of the way all public funds were spent. Committees must set aside 3% of the public funds received for post-election audit activity. Audits are completed within a year and a half after the election.

Contribution Limits - These limits apply to all candidates for election cycles commencing 11/9/22 – whether or not the candidate is participating in the Public Campaign Finance Program.

Office	Non-Family Limits			Family Limits	
	Primary	General	Total		
Statewide (Gov, LG, AG & Comptroller)	\$9,000	\$9,000	\$18,000	Total active voters in party in state * \$.025	Total active voters in state * \$.025
Senate	\$5,000	\$5,000	\$10,000	Total active in party in district * .25 (\$20k - \$100k)	Total active in district * .25 (\$20k - \$100k)
Assembly	\$3,000	\$3,000	\$6,000	Total active in party in district * .25 (\$12,500 - \$100k)	Total active in district * .25 (\$12,500 - \$100k)

Comparison of Current (non-family) Limits to New Contribution Limits:

Office	Current Limits	New Limits (effective 11/2022)
Statewide	Up to \$69,700/cycle (as much as \$22,600 primary; \$47,100 general)	\$18,000/cycle (\$9,000 per primary/general)
Senate	\$19,300/cycle (\$7,500 primary; \$11,800 general)	\$10,000/cycle (\$5,000 per primary/general)
Assembly	\$9,400/cycle (\$4,700 per primary/general)	\$6,000/cycle (\$3,000 per primary/general)

Public Financing Thresholds & Limits

Office	Threshold for receiving public funds		Max public funds (competitive race)		Max public funds (non-competitive)	
	Minimum # Contributors	Minimum Matchable Contributions Received from residents	Primary	General	Primary	General
Governor	5,000	\$500,000	\$3.5M	\$3.5M	\$875k	\$875k
LG, AG, Compt.	1,000	\$100,000	\$3.5M	\$3.5M	\$875k	\$875k
Senate	150	\$12,000	\$375k	\$375k	\$93,750	\$93,750
Assembly	75	\$6,000	\$175k	\$175k	\$43,750	\$43,750

Matching Funds and Eligibility Threshold Examples

Example (must be NYS resident)	Matchable?	Counts towards the minimum amount raised threshold?	Counts towards the minimum number of contributors threshold?
Individual contributes \$5 (or any amount up to \$250)	Yes	Yes	Yes
Individual contributes \$2 (or any amount \$1-\$4)	No	No	No
Individual contributes \$500 (or any amount greater than \$250)	No	Yes, but only \$250 of the total given	No
Individual contributes \$250 and makes another contribution (of any amount)	No, unless committee refunds any contribution over \$250	Yes, but only \$250 of the total given	No, unless committee refunds any contribution over \$250

Public Funds Match, by Office

Office	Match
Statewide	\$6-to-\$1 (\$6 of public funds for \$1 in matchable contributions)
Legislative	<ul style="list-style-type: none"> • First \$50: \$12-to-\$1 • Next \$100: \$9-to-\$1 • Last \$100: \$8-to-\$1

Definition of Competitive Race

NYCRR 6221.21 Limits on public financing

(g) A participating candidate is opposed by a competitive candidate if any of the following conditions applies:

(1) for senate or assembly districts, the opposing candidate has received 25 percent or more of the vote in an election for public office in an area encompassing all or part of the area that is the subject of the current election in the last eight years preceding the election of the covered office sought; or

(2) for statewide office, the opposing candidate has received 25 percent or more of the vote in an election for public office in a statewide election in the last eight years preceding the election of the covered office sought, or 25 percent or more of the vote in an election for public office in an area encompassing all of a city or county with a population of at least 495,000 people in the last eight years preceding the election of the covered office sought; or

(3) for senate or assembly districts, the participating candidate is opposed by a candidate who has received: (i) the endorsement of a current or former statewide elected official, or a current or former federal elected official representing all or a portion of the area represented by the covered office sought, or a current or former United States Senator, or in the case of a district that encompasses a portion of New York City, a current or former citywide elected official; or (ii) three or more endorsements from other current or former state, county, city, town, or village elected officials who represent all or a part of the area covered by the election; or (iii) endorsements of one or more membership organizations with a membership of over 150 members; or

(4) for statewide candidates, the participating candidate is opposed by a candidate who has received: (i) the endorsement of a current or former statewide elected official or a current or former United States Senator, or (ii) three or more current or former members of the House of Representatives representing a district in New York State; or (iii) a current or former President of the United States of America, or (iv) a combined twenty of more current or former members of the New York State Senate or New York State Assembly, or (v) the endorsement of a current or former elected official who represents an area encompassing all of a city or county with a population of at least 295,000, or (vi) endorsements of three or more membership organizations with a membership of over 150 members; or

(5) for senate or assembly districts, is opposed by a candidate whose spouse, domestic partner, sibling, parent, or child holds or has held elective office in an area encompassing all or part of the area represented by the covered office sought in the past ten years; or

(6) for statewide office, is opposed by a candidate whose spouse, domestic partner, sibling, parent, or child holds or has held elective office statewide, or in an area encompassing all of a city or county with a population of at least 495,000; or

(7) the participating candidate is opposed by another participating candidate who has been deemed eligible to receive public funds payments for the covered election.