



FILING A COMPLAINT WITH THE NEW YORK CITY CAMPAIGN FINANCE BOARD

Why file a complaint with the CFB?

The Campaign Finance Act and CFB Rules provide the CFB with oversight and enforcement authority over campaign and independent spending for the offices of mayor, comptroller, public advocate, borough president, and City Council member. Although the CFB audits every campaign and reviews independent expenditures, there are times when those in the field and members of the public have information unavailable to the CFB regarding a potential violation of the Act or Rules.

Who should file a complaint with the CFB?

Anyone who believes or has reason to believe that there has been a violation of campaign finance law associated with campaigns for the five covered offices listed above may file a complaint with the CFB.

When should you file a complaint with the CFB?

You should file a complaint when you have knowledge of a specific action or lack of action that seems contrary to the rules and regulations regarding campaign fundraising, campaign or independent expenditures, or other activities under the jurisdiction of the CFB. In addition to the campaign finance provisions, the CFB's jurisdiction includes the prohibition on mass mailings by public servants in the ninety days prior to an election in which that public servant is a candidate.

Certain activities are beyond the scope of the CFB's jurisdiction, including: violations of state election law concerning ballot access, conflict of interest violations, violations of sanitation and litter laws, and potential campaign finance violations associated with elections other than those for the five covered offices. Complaints about these activities should be directed to other agencies.

What kind of information might be the basis of a complaint?

Some examples include:

- campaign contributions or expenditures are not being reported
- reported campaign contributions or expenditures never actually occurred, or the amounts reported are incorrect
- spending that benefits a campaign, made by a third party under the control of a candidate or campaign, is not being reported as an in-kind contribution, or is being reported incorrectly
- coordination or cooperation between a campaign and a third party has benefited the campaign, but expenditures associated with that activity are not being reported, or are being reported incorrectly
- independent expenditures are not being reported, or are being reported but are not actually independent
- goods or services (including special discounts) donated to a campaign are not being reported, or are being reported incorrectly
- someone asks you to contribute money to a campaign in the name of someone else (no matter what your relationship to that person may be)
- a person who gathers contributions on behalf of a campaign is not being reported as an intermediary
- campaign funds are being used for a purpose other than the campaign for which they are intended, including, but not limited to, personal use

What is required to make a formal complaint to the CFB?

A formal complaint must allege a violation of the Act or Rules and be sworn to or affirmed (include a statement affirming that the contents of the complaint are true). The complaint should be based on personal knowledge. If it is not based on personal knowledge, you should be able to point to a specific source for your information or belief.

Include as much specific information as possible, to the extent known, such as times, dates, and places of suspicious activities by campaigns, third parties, or independent spenders; names of witnesses to or individuals/groups involved in the alleged activities; and/or media accounts of events. The more detail, the better.

If you have any evidence, attach it to the complaint. Evidence may include: photographs; campaign literature, posters, or flyers; campaign paraphernalia; communications or correspondence; and information regarding who is performing and/or funding the activity.

Include reliable contact information so that you can be reached for additional information if needed.

What happens after you make a formal complaint to the CFB?

The CFB reviews and acknowledges all formal complaints.

If the CFB determines the complaint does not merit investigation, the complainant (you) will be notified that the complaint has been dismissed.

If the CFB determines the complaint does merit investigation, you may not hear from the CFB again until the disposition of the matter, which may not be until after the election. The CFB will notify the respondent (the candidate, campaign, or independent spender that is the subject of the complaint) within 10 days of receiving the complaint and send a copy of the complaint to the respondent, who then has 20 days to submit a verified answer (a notarized response that contains a statement affirming the truthfulness of its contents). The CFB may require an answer in less than 20 days if the complaint is filed close to the election. The verified answer may include a request that the CFB dismiss the complaint.

The CFB's investigation may include, but is not limited to, desk and field audits; the issuance of subpoenas; the taking of sworn testimony; the issuance of document requests and questions to the campaign, independent spender, or other relevant individuals or entities; and other methods of information gathering.

What if you do not want to file a formal complaint?

Whenever the CFB receives any information regarding alleged campaign finance violations for the five covered offices, such allegations are reviewed. However, for submissions that fail to comply with the requirements of a formal complaint, the CFB will determine the nature, substance, and timing of an appropriate response at its discretion.

Where should you send a complaint?

New York City Campaign Finance Board
Attention: Special Compliance
100 Church Street, 12th Floor
New York, NY 10007

Formal complaints to the CFB must be delivered by mail or in person. If the complaint is time sensitive, you can also fax a copy in advance to (212) 409-1705 or email a scanned copy to complaints@nyccfb.info, but the original signed complaint must also be submitted to the CFB via mail or personal delivery.

For more information regarding the formal complaint process, please see CFB Rules 7-01, 7-02, and 13-08.