



FILING A COMPLAINT WITH THE NEW YORK CITY CAMPAIGN FINANCE BOARD

Why file a complaint with the CFB?

Although the CFB audits every campaign, there are times when those in the field might have information regarding a potential violation of the Campaign Finance Act or Campaign Finance Board Rules unavailable to the CFB. A complaint gives the CFB information regarding possible improprieties associated with the campaign finance activity of political campaigns for Mayor, Comptroller, Public Advocate, Borough President and City Council that it otherwise might not have.

Who should file a complaint with the CFB?

Anyone who believes or has reason to believe there has been a violation of campaign finance law associated with campaigns for the five covered offices listed above may want to 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, 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. Examples are: 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 offices other than 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:

- campaign contributions are being reported incorrectly or not at all
- reported campaign contributions never actually occurred, or the amounts reported are incorrect, including expenditures that are not reported or not fully reported
- spending by a third party that is not independent of a campaign but benefits that campaign
- 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)
- 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 be sworn to or affirmed (by signing the complaint, the signer is declaring the truthfulness of its content).

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 or third parties; 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, samples of literature or posters, campaign paraphernalia, and information regarding who is performing 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?

After the CFB receives a formal complaint, the CFB reviews it. If the CFB determines the complaint merits further consideration, it will notify the respondent(s) (the candidate or campaign that is the subject of the complaint) within 10 days of receiving the complaint. The CFB will send a copy of the complaint to the respondent(s), who then has 20 days to submit a verified answer (a document that lists the respondent's answer to each claim in the complaint and contains language declaring under oath or upon penalty of perjury that the statements are true). 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.

If the CFB then determines the complaint does not merit investigation, it will notify the complainant (you) that it is dismissing the complaint. If the complaint does merit investigation, the CFB will conduct one. Such 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 or other relevant people, and other methods of information gathering.

After the CFB acknowledges receipt of the complaint, you as the complainant may not hear from the CFB again until the disposition of the matter, which may not be until the completion of the post-election audit.

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

Whenever the CFB receives 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 & Policy Assurance
40 Rector Street, 7th Floor
New York, NY 10006

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 of mail or delivery to (212) 306-7143, but the CFB requires the original signed complaint as well.

For more information regarding the formal complaint process, please see the New York City Campaign Finance Board Rules, Chapter 7, Rules 7-01 and 7-02.