



New York City Campaign Finance Board
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Executive Director

January 28, 2019

By E-Mail and First Class Mail

Lowell Kern
Vote No on 2 and 3
555 West 23rd Street, S6L
New York, NY 10011

FINAL BOARD DETERMINATION – EC2018 INDEPENDENT SPENDER

The New York City Campaign Finance Board (“Board”), at a meeting held on January 17, 2019, made the following final determination concerning Vote No on 2 and 3 (the “Spender”):

The Board determined that the Spender violated the Board Rules and that the Spender and its authorized representative, Lowell Kern, are jointly and severally liable for paying \$250 in penalties for failure to file. *See* Board Rules 13-02(b), (c), 13-03(a)(1)(iii).

On December 3, 2018, the Spender filed a Disclosure Statement that included an expenditure of \$952.26 to produce a flyer. The flyer was distributed on November 2, 2018, four days before the November 6 general election, and therefore was subject to daily disclosure requirements. The disclosure should have been made on November 3.¹ A daily disclosure statement is considered failed if it is filed more than three days late or after the election, whichever is earlier. As this expenditure was not filed within three days or by Election Day, the filing is considered failed.

The Board determined that the amount due is \$250. On January 10, 2019, the Spender paid \$250, the full amount due.

You may challenge this final determination, within four months, in the New York State Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

¹ The December 3 filing also included \$2,240 in expenditures for video ads distributed on November 3. However, the ads were distributed only on free sites, and because such communications are not reportable, there was no violation.

If you have any questions concerning this Final Board Determination, please contact Bethany M. Perskie, Deputy General Counsel, at (212) 409-1861 or BPerskie@nyccfb.info.



Signature on original

Hillary Weisman
General Counsel

**NEW YORK CITY
CAMPAIGN FINANCE BOARD**