

**Comparison of Legislature’s June 2023 Bill  
to Current NYS and NYC Public Matching Laws  
June 7, 2023**



|                                    | <b>Legislature’s<br/><a href="#">NYS Public Match Bill</a><br/>(June 2023)</b> | <b>New York State<br/><a href="#">Public Match Law</a><br/>(Passed 2020)</b>  | <b>New York City<br/><a href="#">Public Match Law</a><br/>(Improving Since 1989)</b>  | <b>Reinvent Albany Position</b>   |
|------------------------------------|--|---|---|---|
| <b>Contribution Limits</b>         | <b>UNCHANGED</b><br>Still sky-high   | 2024 Primary and General Election combined limits:<br><br><b>Statewide Offices</b> - \$18,000<br><br><b>Senate</b> - \$10,000<br><br><b>Assembly</b> - \$6,000  | 2023 & 2025 Primary and General Election combined limits (participants opting in):<br><br><b>Citywide Offices</b> - \$2,100 participants; \$3,700 non-participants<br><br><b>City Council</b> - \$1,050 participants; \$1,600 non-participants  | <b>NYS contribution limits must be drastically lowered for both statewide and legislative offices.<sup>1</sup></b>  |
| <b>Doing-Business Restrictions</b> | <b>UNCHANGED</b><br>None – ripe for abuse                                      | NO restrictions on donations to the Governor and Legislature from those doing business with the state, including vendors and lobbyists.<br><br>NO reporting on the employers of campaign contributions. | Those doing business with NYC (vendors, lobbyists, etc.) are limited in contributions that they can make, which cannot receive matching funds:<br><br><b>Citywide Offices</b> - \$400<br><br><b>Borough President</b> - \$320<br><br><b>City Council</b> - \$250<br><br>The employers of campaign contributors are disclosed. | <b>We strongly support doing-business restrictions and transparency.</b><br><br>1. <a href="#">Doing-business/ pay-to-play restrictions</a> - A7179/S6247, McDonald/Myrie<br>2. <a href="#">Employer disclosure</a> - A6542/S2362, Carroll/Rivera |

<sup>1</sup> NYS legislative seats are similarly sized to NYC council seats, which have much smaller contribution limits. The approximate population size by district is: State Senate – 320,000; City Council – 175,000; State Assembly – 135,000

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|---|---|--|--|--|
| <b>Public Match Cap</b>                         | <p><b>STRUCTURAL DAMAGE</b></p> <p>The first \$250 of all contributions up to the legal maximum get a public match, including from those doing business with the state.</p>   | <p>There is a public match for aggregate matchable contributions up to \$250.</p> <p>(In other words, a person contributing \$18,000 gets no public match.)</p>  | <p>Public funds match the first \$175 of all sizes of eligible contributions.</p> <p>(Contributions from people doing business with the city are not matched and capped at a low level.)</p>   | <p><b>The cap on donations eligible for public matching funds MUST be \$250 unless NYS contribution limits are drastically lowered.</b></p>  |
| <b>Candidate Qualification for Public Match</b> | <p><b>STRUCTURAL DAMAGE</b></p> <p>Contribution thresholds for legislative offices that must be met to receive public funds increased to:</p> <ul style="list-style-type: none"> <li>• Assembly - \$10,000 from 145 in-district donors</li> <li>• Senate - \$24,000 from 350 in-district donors</li> </ul> <p>Thresholds for districts with lower average median incomes also raised to \$6,000 for Assembly and \$16,000 for Senate.</p> | <p>Each office has <a href="#">contribution thresholds</a> that must be met to receive public funds:</p> <ul style="list-style-type: none"> <li>• Assembly - \$6,000 from 75 in-district donors</li> <li>• Senate - \$12,000 from 150 in-district donors</li> <li>• LG, AG, Comp - \$100,000 from 1,000 NYS donors</li> <li>• Gov - \$500,000 from 5,000 NYS donors</li> </ul> <p>Districts with lower average median incomes have thresholds that are lower by one-third.</p> | <p>Each office has <a href="#">contribution thresholds</a> that must be met to receive public funds:</p> <ul style="list-style-type: none"> <li>• City Council - \$5,000 from 75 NYC donors</li> <li>• Public Advocate, Comp - \$125,000 from 500 NYC donors</li> <li>• Mayor - \$250,000 from NYC NYC donors</li> </ul> | <p><b>The 2019 public match qualification thresholds for the NYS program are reasonable to demonstrate support;</b> the higher thresholds will make it more difficult for candidates to qualify and result in less competitive elections.</p> <p>Raising the thresholds for low-income districts is antithetical to the concept of amplifying the voice of everyday New Yorkers.</p> |

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|--------------------------------------|--|--|---|---|
| <b>Maximum Public Funds Payments</b> | <p><b>UNNECESSARY<br/>BAD POLICY</b></p> <p>Each office has a maximum public funds payment level. Primary and General Election payments are each:</p> <ul style="list-style-type: none"> <li>● <b>Assembly - \$145,000</b></li> <li>● Senate - \$375,000</li> <li>● LG, AG, Comp - \$3,500,000</li> <li>● Gov - \$3,500,000</li> </ul> | <p>Each office has a maximum public funds payment level. Primary and General Election payments are each:</p> <ul style="list-style-type: none"> <li>● Assembly - \$175,000</li> <li>● Senate - \$375,000</li> <li>● LG, AG, Comp - \$3,500,000</li> <li>● Gov - \$3,500,000</li> </ul> | <p>Each office has a maximum public funds payment level. Primary and General Election payments are each:</p> <ul style="list-style-type: none"> <li>● City Council - \$207,000</li> <li>● Public Advocate, Comp - \$4,959,000</li> <li>● Mayor - \$7,932,000</li> </ul> | <p><b>The 2019 maximum payments for the NYS program are reasonable;</b> lowering the amount of funds available for Assembly candidates will result in less competitive elections.</p> |

**Public Matching Proposal Makes Other Complicated Changes Without Sufficient Time to Vet Them**

The bill adds a large number of other changes that will take time to unpack and understand how they will affect the efficacy of the program with only days remaining in the legislative session:

- Having unspent public funds from the primary election reduces the amount of public funds candidates can receive in the general election.
- Clarifies that to have their donation matched, donors must live in the candidate’s district at the time of the donation.
- Specifies schedule of public fund payment dates:
  - Primary Election – December 15th of year prior to election, and for the election year, January 15th, February 15th, March 15th, April 5th and three additional payments before the Primary;
  - General Election – July 15th and a minimum of three payments within 90 days of the General Election.
- Makes candidates ineligible for public funds if they have outstanding fines from the state matching system or other matching systems like the NYC program.
- Clarifies that primary election participants are not required to participate in the program during the general election.
- Sets criteria for competitive elections by law instead of allowing the Public Campaign Finance Board to set them by regulation. If the election is not competitive, candidates can only receive one-quarter of the public funds payments. The elections are competitive if at least one of the following conditions are met:
  - Margin of victory for general elections in the last eight years was 20 points or less for the seat



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- Opposing candidate has received endorsement of current or former statewide official, or current or federal elected official representing all or a portion of the district
- Opposing candidate has received three or more endorsements from other current or former state or local officials representing all or a portion of the district
- In the past 10 years, the candidate's spouse, domestic partner or family member held elective office in all or a portion of the district
- The opposing candidate has received state public matching funds for the covered election
- An individual is self-funding and has given or loaned themselves \$24,000 for Senate or \$10,000 for Assembly
- The opposing candidate previously held elective office
- Political communications must include a disclosure that the candidate is a "New York State Public Campaign Finance Program Participant."
- The PCFB is required to develop and administer a training program for individuals to become certified compliance officers for the program.
- Unspent funds must be returned only if the amount of qualified campaign expenditures is less than the amount of public funds remaining. A "surplus" must be returned if the surplus is more than the difference between the public matching funds received and the total qualified campaign expenditures.
- Names of candidates audited by the Public Campaign Finance Board will not be disclosed unless there is a finding of wrongdoing.
- Severability clause is expanded to the full article (was previously limited to particular subdivisions).